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Current Topics.

Easter Vacation.

EASTER VACATION, as a rule, affords to the lawyer in litigious practice a short breathing space between one busy term and another. Hilary Term, however, has been far from busy this year; so many King's Bench judges have been absent as the result of the prevailing influenza. Jury trials have been conspicuous by their absence lately; but this may soon be remedied by the Administration of Justice Bill, now before the House of Commons, which proposes to restore trial by jury to its pre-war place in our judicial system. Whether this is wise or not, in the interests of justice, is a moot question amongst practitioners. But it certainly ought to swell the volume of litigation in the courts.

Easter and Lord Brougham.

ALTHOUGH THE famous story of Lord BROUGHAM and the Easter Vacation has been told before in the columns of the SOLICITORS' JOURNAL, it is so excellent an example of the art of *Bon Trovato* that we cannot resist telling it again. CAMPBELL, of course, is the *fons et origo* of this classic legal anecdote. After HENRY BROUGHAM became Lord Chancellor in 1830, so runs the story, he desired to prove to all the world that his energy and reforming zeal were untamed by the sweets of high office. There happened to be a great mass of Chancery litigation in a state of suspended animation, and legal reformers—chief amongst them BROUGHAM himself a few months before—had been loudly blackguarding the Woolsack for its indifference to the miseries of the hapless suitor, victim of the "Law's Delays." So in his new dignity BROUGHAM proceeded to sit all day and every day, Sundays included, in order to wipe out arrears. The Easter Vacation came. He sat all through this time of holiday, including Good Friday and Easter Monday. And on the resumption of Parliament he boasted from the Woolsack of the unparalleled efforts he had made in his zeal to help the litigant. Lord LYNDHURST rose to follow him in the House of Lords. In dulcet tones he congratulated his noble friend on his magnificent devotion to duty. "He sat even on Good Friday," said LYNDHURST, "and indeed he has the distinction of being the first judge who has ever done so since PONTIUS PILATE made a precedent."

Good Friday and the Thurtell Trial.

CURIOUSLY enough readers of the Newgate Calendar will probably recall a famous criminal trial in which a judge actually did sit on a sacred day not very long before LYNDHURST fired off the clever, but historically inaccurate, bombshell with which CAMPBELL credits him. This was BARON ALAN PARKE, usually known as "Green Park" to distinguish him from his more celebrated namesake who became Lord WENSLEYDALE, and was the first "Law Lord" added as such to the House of Lords. PARKE, early in the twenties, tried at Hertford Assizes the famous murder case, *Rex* v. *Thurtell*, celebrated because it gave rise to Archbishop WHATELEY'S ballad—

> "They cut his throat from ear to ear,
> His head they battered in;
> His name was Mr. William Weare,
> Who dwelt at Lyon's Inn."

After this trial had concluded with a verdict of "Guilty," counsel for the defence moved in arrest of judgment on the technical point that part of the trial had taken place on a sacramental holy day, which was a "*Dies Non*," so that the whole trial was irregular. He quoted innumerable old precedents to show that this was an irregularity and that the verdict must be quashed. BARON PARKE, however, distinguished those old cases, entered judgment, and passed sentence of death; which, in accordance with the custom of that age, was carried out next day. On this occasion counsel had somewhat of a duel with the judge, having asseverated in his peroration that "upon his soul and conscience" he believed his point to be sound. The judge justly rebuked this attempt of counsel to abandon the part of an advocate submitting his client's case to the court in favour of the rôle, denied to counsel, of an impartial person giving evidence as to law on oath. We believe that from this episode there dates the modern practice under which counsel invariably say "this is my submission," not "this is my opinion as to the law."

Acts Done on a *Dies Non.*

A propos of the question whether a trial taking place on a *Dies non* is valid or invalid, the larger problem may be raised as to what exactly is the legal status of an act done on a *Dies Non*. For most legal purposes Sunday is a *Dies Non;* if a debt falls due on that day the debtor is not compelled to seek out his creditor and pay the debt until the Monday following; and the statutes of Limitation run from the Monday. That is trite law. We have heard a county court judge, however, actually assert that a receipt given for payment of a debt on Sunday is void as being given on a *Dies Non*; and that the creditor can demand payment over again. This we think incredible; for surely the parties are "*in pari delicto*," as the creditor would be debarred from setting up the plea either on the ground of "Estoppel," or on that of the corresponding principle in equity which forbids a man to take advantage of his own unlawful act. Incidentally we believe, the learned judge to whom we have referred intimated to the Benchers of his own Inn of Court that on principle he must decline to pay cash when he dined in Hall upon Sundays; but what reply the learned Benchers made we do not know. Our own belief, based on an investigation of the authorities, is that the performance of lawful acts is *excused* on Sundays, but is not *illegal*.

The Consolidation Bills.

THE CONSOLIDATION Bills, as amended by the Select Committee appointed to consider them, have now passed through the House of Lords. Presumably they will be passed through the House of Commons so soon as possible after the Easter Adjournment. No opposition of importance manifested itself towards the seven Bills in the Upper Chamber; whether lawyers in the House of Commons will prove more critical it is not in our power to predict at present; the event must be awaited. Opposition, however, on the part of the few conveyancers to be found in the Lower Chamber now seems unlikely, especially as the great mass of members, being either men of business or labour members, show little inclination to regard further opposition with favour. Landowners in the present House are not very numerous, so that the class on whom the burdens of the transition stage under the new measure will fall is not very strongly represented in the Commons. It may be assumed, therefore, that the measures will duly become law in the present session, subject always to the inevitable chapter of unforeseen contingencies.

The Reprinted Bills.

THE BILLS, as amended, have now been reprinted. Fortunately the alterations made are very few, and are mostly rather formal or verbal than substantial. This is a blessing to the conveyancer who is anxiously reading through each item of the new legislation as it emerges from the hands of the draftsman. Last July six of the Bills first appeared; and the commentators mastered them in order to write about them for the benefit of the busy practitioner. Alas! in December the Bills appeared once more with a seventh as colleague, namely, the University and College Estates Bill; but meanwhile the draftsman had taken the opportunity to make a good many drastic alterations, upsetting many of the references to the Bills given by writers in the legal press. Fortunately, the alterations in the House of Lords are less drastic. The most interesting is the restoration of the Statute of Uses to the schedule of repealed enactments annexed to the Law of Property (Consolidation) Bill. This repeal appeared in the First Schedule to the Law of Property (Amendment) Act, 1924. But to everyone's astonishment it did not appear in the Consolidation Bill of 1925. Since the Law of Property (Amendment) Act comes into force only on 1st January, 1926, and meanwhile is suspended by the Law of Property (Postponement) Act, 1924, while the Consolidation Bills repeal is as from that very same date and re-enact most of its provisions, it rather looked as if the Statute of Uses would *not* be repealed after all. The official explanation, however, seems to have been that the Amendment Act of 1924 will last for a *scintilla juris*, a moment of time, between its commencement and its termination on 1st January, 1926, long enough to safely put the Statute of Uses into the lethal chamber of dead statutes.

The Scintilla Juris.

TO THE experienced conveyancer the legal problem thus suggested will be obvious; but since not all practitioners give their nights and their days to the consideration of subtleties in the law of real property, we will put the issue in detailed terms. The Law of Property Act, 1922 and the Law of Property (Amendment) Act, 1924, come into force on 1st January, 1926. Therefore on 1st January, 1926, they repeal the Statute of Uses. But the Law of Property Consolidation Bill (and the other six Bills) repeals both these statutes as from the date at which they become law, *i.e.*, the 1st January, 1926. *Ergo*, it certainly looks as if the repeal of the Statute of Uses was itself cancelled on 1st January, 1926 by the repeal of the statute which themselves repeal it *before they have ever operated at all*. The theory credited to the parliamentary draftsman of the seven Consolidation Bills however, is that the Birkenhead Act and its amending Act both do actually come into operation *for one moment of time* on the beginning of 1st January, 1926, and therefore are in existence long enough to effect the repeal of the Statute of Uses. Why? Because they received the Royal Assent *before* that assent will be given to the Consolidation Bills and therefore rank as earlier chapters in the statute-book for 1924-25 than the Consolidation Bills will do, if and when they become Acts of Parliament. Accordingly, when the Consolidation Acts come into force on 1st January, 1926 they will come into force a few moments later than the two suspended Birkenhead Acts. Consequently the repeal of the Statute of Uses will have time to take effect.

Subtleties of Interpretation.

THIS INGENIOUS official theory makes a number of assumptions. *Primum*, it assumes that the chapters 1, 2, 3, etc. in the annual statute-roll come into force, not all at one moment of time, but at successive moments of time—a very doubtful proposition. *Deinde*, it assumes that a statute, which once has come into force and then is repealed, nevertheless remains in force as regards any repeals it has actually purported to effect; this again is a doctrine which might be questioned. *Præterea*, it goes on to assume that the omission of the Statute of Uses from the schedule of repealed Acts, when all the others remain there, does *not* create an implication that this statute was to be an exception from the list of repealed Acts; yet such an implication seems a very natural one. For all these reasons, no sooner were the Consolidation Bills published last December than a host of critics descended on this unhappy subtlety and protested loudly against it. It is believed that the stubborn spirit of the draftsman, although unconvinced that any danger of an adverse judicial interpretation exists, has now consented to bow down in the House of RIMMON, and to placate the nervousness of the average critic by putting the repeal into the schedule, if only on the familiar ground *ex abundanti cautela*.

A West Indian Correspondent.

WE HAVE MUCH pleasure in printing elsewhere a letter from a subscriber who reads our journal in the far-off island of St. Kitts. He writes, indeed, about an English reported case turning on a point of local English law, indeed a subtlety in the construction of the Rent Restriction Acts, but it is pleasant to find that the SOLICITORS' JOURNAL and the cases it reports are found of utility and interest even in so different a sphere of local conditions as the West Indies. There are two systems

of Common Law to be found in the West Indian Islands. The first is the English Law, which is the foundation of the law in every colony except one or two ceded to us by France in 1815. Of these, St. Lucia is typical, and in that island the local law is based on the Code NAPOLEON. Until very recently, Roman-Dutch Law was the foundation of the jurisprudence of British Guiana, as it still is of Ceylon and South Africa, but shortly before the war an Ordinance duly substituted the English Common Law for the older system in the colony famous for its connection with Sir WALTER RALEIGH's stormy career. Trinidad, Jamaica, and St. Vincent, although conquered from France or Spain, in the course of the seventeenth and eighteenth centuries, did not adhere long to their older national laws, but adopted the Common Law.

English Statute Law in the Colonies.

ALTHOUGH MODERN English statute law is not a part of the law of any colony, unless expressly adopted by the local legislature, except in the case of a few Imperial Statutes such as the Merchant Shipping Act, 1895, which, owing to the character of their subject-matter, are, by common consent, extended by the Imperial Parliament to the colonies, yet our present-day statute-law has a great indirect influence on that of the Colonies. When a colony receives a Constitution, the recognised rule of English law is that it thereupon takes as its fundamental law the English Common and Statute Law at the date of the grant, subject to an obvious exception in the case of purely local English statutes incapable of general application, such as Coal Mines and Factory Acts. But even present-day legislation in England slowly finds its way, a little modified, into many of the colonies. For the colonial draftsman copies our English statute when dealing with an allied subject-matter, *e.g.*, the Protection of Children, the Amendment of the Criminal Law, Summary Jurisdiction to grant Separation Orders, and many similar matters. In the case of the Crown Colonies, the Colonial Office drafts uniform statutes, usually modelled on English legislation, which are recommended for adoption to the local Colonial Councils. In this way English War Emergency Legislation obtained a very wide currency; of course, it is now largely repealed elsewhere as well as in England. We do not know whether or not our Rent Restriction Law had currency in any of the Crown Colonies, West Indian or otherwise; it certainly seems scarcely suited to the conditions of colonies where anyone can easily build a "shack" or "Ajoupa" of forest timber, to shelter him from the elements. At any rate, it is interesting to find a correspondent from St. Kitts writing to us about a point arising out of the Rent Restriction Acts.

Colonial Constitutions.

NOT ALL OF our readers, perhaps, are aware that the very oldest representative legislative assemblies amongst our colonial governments are to be found, not in the self-governing dominions, but in the West Indies. Yet this is actually so. Barbados, the Bahamas, and the Bermudas still have parliaments given them by constituencies of the early seventeenth century. In the eighteenth century, in a very celebrated state trial, Lord MANSFIELD held that such a constitution, once granted, cannot be revoked by the Crown. As a matter of fact, several other West Indian colonies formerly had similar constitutions, notably Jamaica, but these were mostly surrendered to the Crown during the second half of the nineteenth century, by a voluntary act of the Local Legislature, which usually received a subsidy in exchange. Now the tide has once more turned, and is flowing in the direction of re-granting some form of representative government to the Esaus who in a moment of penury had been induced to sell their birthright. There are nowadays nine separate West Indian colonies: Barbados, Bahamas, Bermudas, Jamaica, Trinidad and Tobago, Windward Islands, Leeward Islands, British Guiana, and British Honduras. Of course, the two last are continental, not insular, possessions; but they are ranked in the West Indian system. Two colonies are federations, namely, the Windward and the Leeward Islands. St. Kitts, from which our correspondent writes, is one of the latter group of islands; it forms a Presidency in the Leeward Islands colony. Three years ago Parliament conferred on the West Indies a separate West Indian Court of Appeal, which hears appeals from the Supreme Courts of all the colonies, although a further appeal by special leave (now greatly restricted) will still lie in a certain class of cases to the Judicial Committee of the Privy Council. The West Indian Court of Appeal is a peripatetic court, and is presided over in turn by the Chief Justices of several of the leading colonies.

Judicial Proceedings Reports Bill.

A BILL HAS been introduced into the House of Commons which gives to the courts large powers over the publication of press reports in the case of matrimonial and similar proceedings the details of which are deemed unsavoury. Every one will agree that it is desirable to discourage the present practice of certain newspapers which publish at full length very unedifying narrations upon matters not usually deemed fit for discussion in decent society, dragged out of unfortunate witnesses under examination or cross-examination in the Divorce Court or the Police Courts. It is doubtful, however, whether the best method of doing this is the creation of new misdemeanours and the delegation to the criminal courts of this delicate and difficult task. Magistrates differ in point of view, and in breadth of character in many different parts of the country; and even in London different magistrates hold very different views upon many matters of a moral type. A jurisdiction to control moral conduct or the contents of literary publications is almost certain to be exercised in a very erratic way, not to say grievously abused. If jurisdiction of this kind is to be conferred at all, the proper depositories of the novel disciplinary powers over press reports thus created by the Legislature ought surely to be the Divisional Court which has had long experience in hearing cases of contempt. The correct precedure, it is submitted, is to declare that it is a punishable contempt for any newspaper to publish matters in the course of any case which the trial judge intimates ought not, on grounds of public decency, to be reported in the press. Such an addition to judicial power of dealing with "contempt" is not likely to be abused and would certainly be effective. The chief difficulty which exists at present is this. Hardly any newspaper desires to publish the deleterious matter complained of, but competition forces every paper to do so at present or lose its circulation; for one or two proprietors of less delicate views than others can force the pace in this as in some other respects. If these less fastidious newspaper owners were brought before the court even once for a contempt of this kind, the practice would probably cease everywhere in the press.

Land Registration by Post.

WE PRINTED three weeks ago the letter of a correspondent expressing doubts as to whether, under the recent Registration by Post Order and Notice issued by the Land Registry, it is possible to transact first registrations, as distinguished from subsequent registrations of land by post alone and without the trouble or expense of a personal visit to the Office in Lincoln's Inn Fields. We have now made enquiries of the Land Registry, and are given to understand that all the business of land registration, whether first or subsequent registrations, can now be transacted by post in the way indicated by the Notice. No fee is charged for transacting this business through the post office; but, of course, the scale fees chargeable on registrations are payable as in other cases. Provided that the procedure prescribed in the Order and the Notice is followed personal attendance at the Land Registry is now completely excused in every case.

Sir Julius Cæsar: A Forgotten Judge.

Sir Julius Cæsar was Deputy-Admiral, that is to say, Judge of the High Court of Admiralty between the years 1584 and 1605. He was in his own age a very famous judge, next to Sir Edward Coke and Lord Bacon, the most celebrated occupant of the bench during one whole generation. He is duly chronicled, we believe, amongst the two hundred and forty "Illustrious Personages of Great Britain," whose names figure in the eighth volume of portrait-biographies which Edmund Lodge, of the College of Heralds, published in 1850, but to the present generation he is no more than a name, if indeed he is even a name, outside the precincts of the Admiralty Court. Such is the unsubstantiality of even high judicial reputations when the hero had not the good fortune to find his way to the Woolsack or the Chief Justiceship.

Yet to Sir Julius Cæsar a mighty task fell. For he was Admiralty Judge in the Age of the Armada, and during the subsequent conflicts, regular or irregular, between English, Dutch, and Spanish seamen all around the Spanish Main. He had to sit in prize cases, although his court was not then technically a Prize Court, and he had to hammer out those principles of Prize Law which a century later became generally recognized and accepted. He did this work most admirably. Indeed he did it so admirably that the Admiralty Court outran all rivals for jurisdiction in Prize Cases, and survived in the next generation the war of Prohibition, which Sir Edward Coke commenced against it as against all other of the judiciaries which trespassed, as he deemed it, on the jurisdiction of the Common Law Courts. When Sir Julius entered on office in 1584, prize cases were heard in at least six different courts: the King's Bench, Common Pleas, Exchequer, the Chancellor's Court, the King's Council, and the Deputy-Admiral's court. When he retired in 1605 no attempt was made by any of those rival authorities to usurp or interfere with the Court of Admiralty presided over by the Deputy-Admiral.

The origins of the Prize Court and of prize jurisdiction, are one of the most fascinating and instructive pages in the history of English Law. It arose in the most roundabout and unexpected of ways. For what happened was just this: In mediæval times England had no regular navy. When war was on a few vessels were purchased and commissioned as King's ships—the Navy proper; others were requisitioned and similarly commissioned; others again simply received letters of "Marque" or warrants to act as privateersmen against the King's enemies on the high seas. Usually the commission or warrant, as the case might be, granted to those several parties included amongst its various clauses an authority to the master to seize enemy ships, or enemy goods or neutral ships, and the grant to him of the ship or goods so seized.

But when officers holding commissions or merchant-masters holding a privateer's warrant proceeded to capture ships and goods in pursuance of this authority, they frequently were too zealous in discharge of their duties, and they very often made serious mistakes. In such cases proceedings of various sorts were instituted against them by aggrieved subject or neutrals whose property had been taken. Sometimes the aggrieved parties proceeded in the Common Law Courts, but gradually these courts declined jurisdiction where the goods or the ship were not within English territory; they retained jurisdiction, however, wherever the ship had been seized if it was at the time of the event within the jurisdiction of an English court; it was not until the Restoration that jurisdiction in such cases definitely passed out of their hands. When he failed to get a writ in the King's Bench or one of the Common Law courts, the victim frequently petitioned the Chancellor, but gradually the Chancery also showed reluctance to assume jurisdiction, except when a case of fraud or trust appeared, or when the property belonged to a ward of court or was in the hands of a trustee. Balked in Chancery, the petitioner would present a petition to the King's Council, and at one time the Judicial Committee, if we may coin an anachronism, which was almost identical with the Star Chamber, would entertain claims of this kind.

The final remedy if all other courts refused to hear a petition, was to send it to the Lord High Admiral, who delegated it to his Deputy-Admiral. Originally a kind of Judge-Admiral-General the Deputy-Admiral soon was selected from amongst lawyers skilled in the Civil and Common Law, because the Maritime Law was recognised to be a branch of Roman Law—or at any rate not a branch of Common Law. In due course the deputy became a judge, pure and simple, sitting in the Court of Admiralty to hear (1) normal collision, wreck, and salvage cases, whether in times of peace or war, and (2) prize claims in time of war. Before him practised members of the College of Advocates, that, is, doctors of civil and canon law, Doctors *Utriusque Juris*, admitted to their degrees by the Universities of Oxford and Cambridge.

For a long time the divided jurisdiction between Common Law Courts, King's Council, Chancellor and Court of Admiralty continued in full swing. But gradually it was recognised that the peculiarities of Admiralty cases rendered them unsuitable subjects for judges not familiar with the special rules of the game. Claimants ceased to bring proceedings elsewhere, so much did they prefer the jurisdiction of the Deputy-Admiral. Moreover, Admirals, when they found captured ships at sea in possession of the captors, used to insist on the masters taking their prize into port and asking for inquiry into their character. If the masters refused they were liable to lose their commissions or warrants; in that case they ran the risk of being treated as pirates. At first naval officers acted as Commissioners or Courts of Enquiry on the hearing and condemning of those prizes; but gradually this work was handed over to the Deputy-Admiral, and therefore to the Court of Admiralty. Finally every captor was required to bring his prize into the court and apply for a decree of condemnation within a proper time. Otherwise he was deprived of his commission.

The jurisdiction which the Court exercised was very peculiar. At first it was merely an enquiry into the facts, and into the terms of the Royal Grant, to see whether or not the seizure of the prize was *intra vires* or *ultra vires* of the grant. Then the grant took a common form, embodied in every commission or warrant, and any departure from this common form invalidated the commission altogether. Then came a further step; it was presumed that the King's grant was made subject to any treaties into which he had entered with foreign countries; hence these treaties had to be interpreted and enforced. Lastly, the further presumption was made that every grant contained an implication of compliance with all the rules of Maritime Law as understood in the Comity of Nations. Hence the Rule of Civil Law became the accepted law enforced in the court.

Sir Julius Cæsar did so great a work in upholding the authority of his court between 1584 and 1605 that his name was celebrated from John o' Groats to Land's End. It is difficult to believe that Shakespeare can have been unacquainted with his name and personality, for everyone now agrees that Shakespeare had an exceptional knowledge of law and was in intimate touch with all branches of the legal profession. Therefore it seems highly probable that he borrowed from this great judge some of the characteristics he ascribes to the Roman Julius Cæsar in his great tragedy. Cæsar, it will be remembered, was sitting in judgment when assassinated in the forum. He talks like a judge, not like a soldier or a politician. He is represented as rather "deaf in the left ear" and very bald—marks, if tradition be true, of the Admiralty judge. They were certainly marks also of the great Julius, but the modern research which has demonstrated this was quite unknown even to the learned academies of Shakespeare's age, and cannot have been known by a player whose familiarity with Cæsar's career is admittedly confined to

PLUTARCH'S life of the hero. It seems extremely probable, therefore, that in his presentation of JULIUS, SHAKESPEARE has of set purpose borrowed many of the personal characteristics of the great judge so familiar in his own day to the crowd of playgoers. HISTORICUS.

The Moneylending Bill.

THERE is much division of opinion amongst lawyers of experience with reference to Lord CARSON'S Moneylenders' Bill, now before Parliament, a brief summary of which was recently printed in the SOLICITORS' JOURNAL. The controversial point in the measure is the fixing of a maximum rate of interest. This is a revival in a new form of the old Usury Laws, and seems open to the same objections as were taken to those measures by JEREMY BENTHAM at the commencement of the nineteenth century. Moneylending rates, like other forms of interest, depend on supply and demand, on the risk taken by the lender, and on the inherent disagreeableness of the business, which limits the number of persons willing to lend and the quantity of funds available for lending. Interference by the Legislature might easily dry up the supply altogether and destroy whatever legitimate economic benefits are at present conferred by moneylenders.

No one is better qualified to express an opinion on proposed moneylending legislation than Sir M. J. CHALMERS, K.C., who has had experience of the incidental problems in three quite different capacities: as a county court judge, as a Home Office official, and as a Treasury draftsman who drafted the Moneylenders Act, 1900. His draft, indeed, was much emasculated by the House of Commons Committee, to which the Bill was referred; and further experience has shown the need of extensive amendment. In a recent letter to *The Times*, of which we have made much use in this article, the distinguished ex-judge draws upon the garnered treasures of his judicial experience to indicate points requiring consideration, and suggests numerous amendments of the law. Some of those, however, notably one to the effect that policewomen should be authorized to inflict condign corporal chastisement on the hordes of women who prey on factory girls under the guise of lending money to them, strike one as rather too drastic to be taken very seriously.

Prior to the enactment of the Moneylenders' Act, 1900, the only way of restraining oppression and extortion at the hand of moneylenders was the exercise of that discretion as regards enforcement of payment against the debtor in ways scarcely defensible on principle by many county court judges who were strongly opposed to usury. One of those methods was this: In a county court the judge has fairly large powers. There was a notorious Polish Jew, who traded under a Scottish name, in one district. He took out a judgment summons to enforce an extortionate claim. He was told that if he would not make a fair settlement the judgment debt would be made payable by instalments of a penny a month, and that the money might come in useful to his great-grandchildren. If he played fair with his debtors he got fair play.

In days prior to the coming into force of the Act just mentioned, it is interesting to note that the ordinary terms on which the working class borrowed were these. As a rule there were two sureties. A joint and several note for £5 was signed; £4 10s. was advanced, with a provision that on default the whole sum should become due with interest at the rate of a halfpenny per shilling per week. This works out at about 260 per cent. per annum. When a surety was sued he usually set up the defence that he had merely been asked to sign as a witness. In most cases he had had some of the money, and judges did not believe the defence unless the man was illiterate and had signed by mark.

A common trick was this. If a woman wanted to borrow money without her husband's knowledge, she used to get a friend to personate him and forge his name. The usual price for this was half a crown. The money was not repaid. When the court summons was left, the wife burnt it. The first the husband heard of the matter was an execution put into his house. Then he came running to court in a hurry to get it set aside.

There are two sides to most questions, and moneylending is no exception to the rule. A loan society once charged interest at a rate exceeding 200 per cent. per annum. The secretary of the society offered to submit his books to the registrar to show that, owing to disappearance of debtors and fraud, the net profits did not exceed 8 per cent. Moneylenders run great risks, and are therefore entitled to charge high prices for the accommodation they give. Sometimes a short-term loan saves a man, *e.g.*, when he has an execution or a distress put into his house. The important matter is to prevent him getting too deep into the mire, and to penalise the moneylender who induces a man to borrow by false pretences.

We will conclude this article by quoting verbatim the six specific suggestions Ex-Judge CHALMERS makes in his letter to *The Times*:—

"(1) Everyone agrees, I think, that the mendacious advertisements and the circulars which one is almost daily receiving by the post ought to be stopped. As I am a bachelor, I have no hesitation in opening letters addressed to my wife. A few weeks ago I opened a letter so addressed in a lady's handwriting, in a mauve envelope with a pretty silver monogram. It offered a loan to her ladyship on most attractive terms, with a pledge of the greatest secrecy. As impecunious people, who cannot go to a banker, must sometimes borrow money, advertisements in the Press confined to the words "money lent" might perhaps be allowed.

"(2) The Bills now before Parliament seek to limit the amount of interest that may be charged. I venture to doubt the wisdom of this proposal. Usury laws have always been failures. The acute moneylender will soon learn to circumvent them as his predecessors did before the repeal of the usury laws in 1854. A short-term statute of limitations, say, three months or six months from the first accrual of the cause of action, would be far more effective. It would pull the debtor up short before he had got hopelessly into the spider's web. So-called renewals would require careful attention.

"(3) A moneylender should be prohibited under adequate penalty from assigning to any other person any bill, note, or other security arising out of any moneylending transaction. Every one who knows a court of law knows the *bona fide* holder, with an innocent face, who has taken over a security in payment of a debt, and knows nothing of the original transaction.

"(4) A moneylender, perhaps, should not be allowed to trade in a fictitious name, so as to be a moneylender in one name and a philanthropist in another. But this would be only a partial remedy. According to English law, a man may change his patronymic as often as he likes. Then, too, there is always the one-man company with a high-sounding title to help him.

"(5) A difficult problem is this. In the case of large loans, the moneylender usually takes from his debtor a statutory declaration as to his means, and he takes good care to see that the declaration contains mis-statements. He then uses the declaration to blackmail the debtor and his relations. I used to tell any moneylender, who complained to me that he had advanced money on false pretences, that no moneylender, who knew his business, would care to take a correct declaration.

"(6) The woman moneylender in factories and workshops is a new curse, and difficult to deal with. It is a pity that our stalwart policewomen cannot be empowered to seize the offender by the scruff of the neck and administer condign punishment." CAVEAT EMPTOR.

Readings of the Statutes.

The Law of Property Amendment Act, 1924.

VII.—The Abolition of Manorial Incidents.

The primary task of the Birkenhead Land Legislation, we have seen, was the improvement of the law of Unregistered Conveyancing; other subsidiary changes have been effected by the way. Amongst these, the next in logical order is the abolition of incidents or peculiarities in the law of real or personal property which are deemed to be archaic or obsolete or anomalous. Chief amongst these are (1) Manorial Incidents, whether affecting Copyholds or other forms of landed estates, (2) Copyhold Tenure, and (3) Leaseholds of peculiar kinds, *e.g.*, perpetually renewable leaseholds, leases for lives, and the awkward form of future interest by way of lease known as an "*Interesse Termini*." These three classes of property are dealt with respectively by Parts V, VI, and VII of the Law of Property Act, 1922. A number of changes in the alterations effected by these Parts are effected by Sched. II of the Law of Property Amendment Act, 1924. The Law of Property (Consolidation) Bill, 1925, it is hardly necessary to say, combines the revolution carried out in Parts V, VI, and VII of the Principal Act of 1922 with the amendments in the Act of 1924, so as to form one self-complete body of changes.

Extinction of Manorial Incidents.

All manorial incidents affecting land, whether freehold or copyhold, are to be extinguished in manner provided by the Principal Act. This extinction must take place at one of three dates and in one of three ways (Act of 1922, s. 138 (11)):—

(1) Upon the execution of an agreement in writing between the lord and the tenant providing compensation for extinction, provided such agreement is executed within ten years after the commencement of the Act.

(2) Upon the service by either lord or tenant of a notice on the other requiring the ascertainment of such compensation, provided such notice is served within ten years of the commencement of the Act, and provided that the lord cannot serve the notice till after the expiry of five years from that commencement:

(3) If no agreement or notice as under (1) and (2) has been served, then automatically upon the expiry of ten years from the commencement of the Act.

To the above general rule the Birkenhead Act, 1922, attaches two provisoes:—

(i) Manorial incidents due or enforceable *prior* to the date of extinction are not affected; and

(ii) The period of ten years may be extended by Order of the Minister of Agriculture and Fisheries where in any manor there are not less than 1,000 tenants affected by the manorial incidents, and either the lord or a majority (two-thirds) of the tenants apply for such an extension of time.

Custody of Manorial Documents.

The Law of Property (Amendment) Act, 1924, makes in its second schedule the very important addition of two saving clauses in respect of manorial incidents. It preserves the office of "Steward" for the purpose of vacating a Parliamentary seat; it provides for the custody of manorial documents, no doubt as the result of the very celebrated case of *Jeffrey* v. *Beaumont*, 1925, 1 Ch. It will be useful to set out in detail the provision in this connection:—

"Notwithstanding that, as respects manors belonging to the Crown, all manorial incidents may become extinguished, the acceptance of the office of steward or other principal officer shall be deemed to be an acceptance of an office of profit from the Crown for the purposes of section twenty-five of the Succession to the Crown Act, 1707."

"(1) All manorial documents shall be under the charge and superintendence of the Master of the Rolls.

"(2) Save as hereinafter provided, manorial documents shall remain in the possession or under the control of the lord for the time being of the manor to which the same relate and he shall not be entitled to destroy or damage wilfully such documents.

"(3) The Master of the Rolls may from time to time make such enquiries as he shall think fit for the purpose of ascertaining that any manorial documents are in the proper custody, and are being properly preserved, and the lord of the manor to which such documents relate, or the governing body of any public library, or museum or historical or antiquarian society, to which the same may have been transferred, as hereinafter provided, shall furnish the Master of the Rolls with all such information with respect thereto as he may require.

"(4) The Master of the Rolls may direct that any manorial documents which, in his opinion, are not being properly preserved, or which he is requested by the lord of a manor to deal with under this sub-section, shall be transferred to the Public Record Office, or to any public library, or museum or historical or antiquarian society, which may be willing to receive the same, and if the same shall be transferred to any public library, or museum or historical or antiquarian society, the governing body thereof shall thereafter have the custody thereof and shall be responsible for the proper preservation and indexing thereof.

"(5) Nothing contained in this section shall prejudice or affect the right of any person to the production and delivery of copies of any manorial documents or to have the same kept in a proper state of preservation; in particular the lord of the manor shall remain entitled to require the same to be produced to him or in accordance with his directions, free of any cost.

"(6) In this section 'manorial documents' mean court rolls, surveys, maps, terriers, documents and books of every description relating to the boundaries, franchises, wastes, customs or courts of a manor, but do not include the deeds and other instruments required for evidencing the title to a manor, 'manor' includes a lordship and a reputed lordship; and 'lord of the manor' includes any person entitled to manorial documents."

Extinction of Manorial Incidents by Agreement.

The extinction of Manorial Incidents by Agreement may take place in either of two alternative ways (Act of 1922, s. 13 (8 (3)):—

(*a*) Under Part II of the Copyhold Act, 1894:—

'This method only applies where the application to fix compensation is made by persons who would have been entitled to effect an enfranchisement under the Copyhold Act with the consent of the Minister under his powers conferred by Part II of that Act. But this method is not to be resorted to unless the Minister is notified that such a course is most convenient in all the circumstances of the case.

(*b*) Independently of the Copyhold Act:—

This method is available to the persons who on sale would be able to dispose of either (1) the manorial incidents or (2) the land subject thereto, as lord or tenant respectively. A form of Compensation Agreement to be used in such cases is inserted in the Thirteenth Schedule to the Act of 1922.

Certain interests of the lord in the enfranchised land, *e.g.*, rights of common or sporting and market rights, are preserved notwithstanding the extinction of manorial incidents, but the lord and the tenant may agree in writing, as part of the compensation agreement, that any right of the lord so preserved is to be treated as a manorial incident and extinguished as such.

Extinction of Manorial Incidents by Notice.

The only points which need be mentioned here in connection with the second alternative method of extinguishing manorial

incidents, namely, the service of a notice requiring the ascertainment of compensation are these :—

(1) The notice may be served by either the lord or the tenant ;

(2) The notice must be served within ten years after the commencement of the Birkenhead Act, 1922 ;

(3) The tenant may serve the notice at any time after the commencement of the Act ;

(4) The lord can only serve the notice five years or later after the commencement of the Act ;

(5) The notice can be served either by—

(*a*) Delivery to any person on the premises, or

(*b*) Affixing it on a conspicuous part of the premises, where no person is found in occupation thereof.

AUTOMATIC EXTINCTION BY OPERATION OF LAW.

We have already seen that under s. 138 of the Act of 1922, in the absence of prior extinction, as the result of agreement or notice, the manorial incidents are automatically extinguished upon the expiration of ten years from the commencement of the Act. The right to compensation, however, is not thereby extinguished. At any time, after the expiry of ten and before the expiry of fifteen years, from the date of commencement, either the lord or the tenant can apply to the Minister of Agriculture and Fisheries for assessment of compensation under the Act. The compensation, which is secured by a terminable annual rent-charge, commences in such a case from the date of the application. If no application is made within the fifteen years' period just mentioned, no compensation is payable, and the right to compensation thereupon automatically lapses.

THE SCHEME OF COMPENSATION

The following points arising under the provisions of the Act of 1922, should be noted as regards compensation :—

(I) *Ascertainment of Compensation.*—A scale for assessing compensation is laid down in the Thirteenth Schedule to the Birkenhead Act, 1921. This scale is not binding if the parties otherwise agree ; but in all other cases it must be followed. There is an exception : the Minister of Agriculture and Fisheries, upon application of either party, and on proof of some peculiarity in the special customs of the manor, may decide that the application of the scale will be so unjust as to amount to a hardship on either party. In that case he can fix a different basis. The steward is to receive compensation for the loss of his office. No compensation is payable, however, for any incident which has no pecuniary value to the lord, even although the tenant benefits pecunarily by its extinction.

(II) *Mode of Compensation.*—The compensation may be either (1) a gross sum of money, or (2) a terminable rent-charge. Unless the court otherwise directs, however, it *must* be a gross sum in the cases :—

(*a*) Where the land is settled and capital money is available to pay compensation.

(*b*) Where the land is subject to trust for sale and personal estate is available for the same purpose ;

(*c*) When the compensation does not exceed £20.

There are provisions enabling the trustee for sale, or other person entitled to dispose of the land burdened with a terminable rent-charge, to redeem the same on payment of a capital sum after giving notice in manner fixed by the Act.

(III) *Costs of Compensation.*—Where the compensation is determined by agreement, the costs are to be provided for by the agreement ; where the extinction follows on a notice, the party serving the notice is (unless in special circumstances) to bear the costs, and where the extinction takes place after ten years, by operation of law, the tenant is to bear the costs of compensation unless the Minister otherwise determines. RUBRIC.

(To be continued.)

A Conveyancer's Diary.

The Rent Restriction Acts. Sale by Mortgagee.

While it is true that the Rent Restriction Acts are primarily concerned with the protection of tenants, it ought never to be forgotten that in the case of dwelling-houses within the ambit of these Statutes, a mortgagee is still debarred from exercising his full legal rights and must pursue instead such remedies as are permitted by the Statute. The material section of the Increase of Rent and Mortgage Interest (Restriction) Act, 1920, of course, is s. 7, which runs in the following terms : "It shall not be lawful for any mortgagee under a mortgage to which this Act applies—so long as (*a*) interest at the rate permitted under this Act is paid and is not more than twenty-one days in arrear ; and (*b*) the covenants by the mortgagor (other than the covenant for the repayment of the principal money received) are performed and observed ; and (*c*) the mortgagor keeps the property in a proper state of repair and pays all interest and instalments of principal recoverable under any prior incumbrance—to call in his mortgage or to take any steps for exercising any right of foreclosure or sale or for otherwise enforcing his security or for recovering the principal money thereby secured." This section raises a number of difficulties which have not been very much before the courts and which therefore lend special interest to any reported decision in which any of them have been faced by the court.

Evans *v.* Horner.

Now in a comparatively recent case, *Evans* v. *Horner*, 1925, 1 Ch. 177, Mr. Justice Russell had to consider one of those difficult points. The case came before him on a mortgagee's originating summons asking for an account and for enforcement of the security by foreclosure or sale. The house was within the limits of the Rent Restriction Acts ; it had been mortgaged on 7th July, 1905 ; the sum secured amounted to £600, and interest was payable half-yearly on 19th May and 19th November. Interest due on 19th May, 1924, was not paid. More than twenty-one days later, namely on 11th June, the summons was issued ; it was served the next day. On 14th June the defendant sent a cheque for the interest. This the plaintiff accepted—but not on account of the interest. He accepted it on general account of all sums due as between the mortgagor and himself. He went on to treat the tenant as in default to the extent and in the circumstances which under s. 7 (*a*), *supra*, allow the mortgagee to pursue his pre-statutory remedies. He claimed to be entitled to exercise his normal right of calling for repayment of the whole sum due or obtaining an order for foreclosure. Mr. Justice Russell upheld his contention as valid and made the usual order for an account in a foreclosure action.

Suspension of Remedy : Not Withdrawal of Rights.

This case raises in a very clear and direct form the fundamental point in dispute as to the interpretation of s. 7, *supra*. One view is that the statute intervenes to protect the mortgagor only so long as he complies with *all* the conditions (*a*), (*b*), (*c*), laid down by that section. The moment he ceases to comply with a single one of them, at once his protection is forfeited, and he is in his pre-statutory position as regards all rights between himself and the mortgagee. The other view is that the statute intervenes continuously on behalf of the mortgagor : his protection is not forfeited but merely suspended by his default in any one or more of the three conditions attached to the statutory protection by s. 7 ; so soon as he makes good the broken condition he regains at once his suspended privilege. Against this latter view must be counted *Welby* v. *Parker*, 1916, 2 Ch. 1, and perhaps, also, *Woodifield* v. *Bond*, 1922, 2 Ch. 40, which may be construed as meaning that subsequent compliance after default does not restore the privileged position of a person protected by the Act. It was these cases which Mr. Justice Russell evidently followed. MORTMAIN.

Curia Parliamenti.

The Administration of Justice Bill.

The Second Reading of the Administration of Justice Bill was moved by the Attorney-General on Monday, 30th March. This Bill, of course, has already passed through the House of Lords; as already pointed out in the SOLICITORS' JOURNAL, it does not differ very greatly from previous Bills brought forward in recent years, but dropped from lack of time. The Attorney-General compared the measure with its predecessors of 1923 and 1924, and contended that the sole object of each one of the three successive Bills was merely the aim of trying to make the administration of justice more efficient, a little cheaper, and a little quicker. Curiously enough, opposition in the House of Commons concentrated on what seemed somewhat minor administrative proposals contained in Clause 17. This is a new clause, the outcome of a recommendation of a Committee presided over by Mr. Justice TOMLIN. Its general effect is to abolish eleven District Probate Registries, convert ten others into sub-registries, and establish four new registries in areas which have become urban and populous since the great probate reconstruction of 1857. Certain other registries were grouped together. The comparatively small sum of money thus saved is to be spent on higher pay and pensions for the civil servants employed in the registries. This clause aroused all the bitterest antagonism of the Welsh members, for Wales loses probate registries.

The Attorney-General's Exposition of the Bill.

The principal proposals of the Bill as expounded in the speech of the Attorney-General are the following: Clause 1 is intended to meet a difficulty in regard to the work at Assizes, and, while not abolishing any Assize towns, contains a provision to the effect that, with regard to any particular Assize, if it appeared that on that particular occasion there was little substantial business likely to be done, the Lord Chief Justice should have the power for the purpose of that particular Assize to make arrangements for the business to be transacted elsewhere. Clause 3 restored the position in regard to trial by jury, as it was before the war. Clause 5 contained a new provision with regard to the appointment of an additional judge of the Probate, Divorce and Admiralty Division At the beginning of this year a deputation came to see the Lord Chancellor, the Lord Chief Justice, the President of the Divorce and Admiralty Division and himself, representative of most of the big commerical interests in the City, to urge the extreme importance of appointing an additional judge of the Admiralty Division, on the ground that the work was too great for the two judges at present in that court. It was further urged that it was important to the commercial community to have a certain date for hearing and no undue delay. The Government were taking power in Clause 5 of this Bill to appoint such an additional judge. Under the existing law there was no provision made in a case where a vacancy was created immediately after an appointment had been made. In such a case it would be necessary to come back to Parliament and ask it to pass the resolution all over again To avoid this it was proposed by this Bill that a resolution of Parliament should hold good for twelve months. Clause 17 has been discussed in the first paragraph.

Criticism of the Bill in the House of Commons.

Apart from the question of the Welsh registries, such slight criticism of the Bill as was expressed in the House of Commons on the Second Reading was confined to two matters: first, the powers given to the Bench to "suspend" circuit-towns because of an inadequate quantity of work to justify the expense of holding an assize there, and, secondly, the proposal to restore the pre-war right of trial by jury. Several members denounced this reversion to the older practice, more especially Mr. ATKINSON, of Altrincham, who contended vigorously that, whenever a lawyer has a good case he advises trial by judge alone, but when he has a hopelessly bad case, he advises that the only chance of success is to ask for a jury. Mr. HARNEY, K.C., on the other hand, a very experienced practitioner, who has enjoyed colonial as well as English experience, stated it to be his considered view that the mean opinion of twelve jurymen is less cranky than that of a single judge. *Quot homines tot sententiæ.*

MAGNA CARTA.

Res Judicatæ.

Revenue Cases in Hilary Term.

Gloucester Railway, &c., Co., Ltd., v. Inland Revenue Commissioners H.L. 41 T.L.R. 320.

The appellants were a company who dealt in wagons, which they either constructed in their own works, or else purchased. The wagons, so acquired, were either sold, or let on hire, and such wagons which were hired out were, in most cases, eventually sold. Separate accounts were kept in respect of the wagons which were let out on hire, the method adopted by the company being to treat the wagons so hired out as being sold to the hiring department, at a price including certain sums by way of profit in respect of their manufacture. Each year the hiring charges were written down in respect of depreciation. There was no question about the sums by way of profit which had been originally entered up when the wagons were first let on hire. The company, however, had, in fact, sold certain wagons at a figure in excess of that at which the wagons stood at the time in the company's books, after due allowance for depreciation, and it was this extra amount which the Commissioners sought to treat as taxable profits, but which the company contended was merely an accretion of capital. The House of Lords decided in favour of the Commissioners, and held that the amount in question must be treated as profits and not as capital, and was therefore subject to Corporation Tax (now abolished).

Mudd *v.* Collier, Rowlatt, J., 41 T.L.R. 358.

Here the appellant, who held the office of salaried secretary and director to a limited company, negotiated a sale of a branch of the company's business, which was entirely outside the scope of his duties, and in respect of which, therefore, he had no legal claim on the company. A honorarium of £1,000, however, was voted him. This, he contended, was a purely voluntary gift, not a taxable part of his salaried income. But Mr. Justice ROWLATT held that the honorarium was, in effect, a payment which the company felt ought to be made in respect of the extra services rendered by the appellant as secretary and director of the company, although such services were outside the scope of his duties, and was therefore taxable.

Graham *v.* Green, Rowlatt, J., 41 T.L.R. 71.

In *Graham* v. *Green*, the appellant derived practically the whole of his income from betting horses. He was not a professional bookmaker and he mainly betted from his own residence with bookmakers only, and at starting prices only. The questions that arose for consideration were, firstly, whether his winnings amounted to "profits or gains" within the meaning of Case VI of Schedule D to the Income Tax Act, 1918; and, secondly, whether he was carrying on a "trade, profession, employment, or vocation" for the purposes of Case II of the above schedule. Mr. Justice ROWLATT considered that the appellant was not taxable either under Case VI or Case II.

THEO. SOPHIAN.

CASES OF HILARY SITTINGS.

High Court of Justice
Chancery Division

In re **An Arbitration between the Duff Development Co. Limited, and the Government of Kelantan.**

Tomlin, J. 13th March

PRACTICE—SECURITY FOR COSTS—APPLICATION FOR ORDER THAT ARBITRATORS DO STATE A CASE—APPLICANT A FOREIGN SOVEREIGN OUT OF THE JURISDICTION.

An application to have a case stated for the opinion of the court in arbitration proceedings is not merely an interlocutory proceeding in the arbitration, but an independent application. The principle of Watteau *v.* Billam, 1847, 3 De G. & Sm. 516, *does not apply to arbitrations, but only to litigation in the courts.*

This was an application by The Duff Development Company, Limited, that all further proceedings in this matter be stayed until (*inter alia*) the Government of Kelantan gave security to answer the costs of a summons taken out by them for an order that the arbitrators should state a special case.

TOMLIN, J., after stating the facts, said: It is no doubt true as a general rule that one who is brought before the court as a defendant will not, though out of the jurisdiction or insolvent, be ordered to give security for costs. It is said that the government is in the position of a defendant in the arbitration proceedings, and that an application for a case is only an interlocutory proceeding in the arbitration. Alternatively, it is said that even if the application to the court is an independent proceeding, still regard must be had to the arbitration proceedings to ascertain what in substance is the government's position. The first alternative argument is supported by *In re Knight and Tabernacle Permanent Building Society*, 1892, 2 Q.B. 613, and the second alternative by such cases as *Watteau* v. *Billam*, 1849, 3 De G. & Sm. 516. I do not think the government has made good either argument. The decision in the former case does not decide that an application to the court for a special case is to be treated as an interlocutory proceeding in the arbitration. Nor if that application is independent of the arbitration ought regard to be had to the arbitration as though it was a proceeding before the court to ascertain the government's position. So far as setting the court in motion is concerned, the government is clearly the plaintiff or actor. Why should the court inquire into the position of the quarrel, so far as it is outside the court's purview? The principle of *Watteau* v. *Billam* (*supra*) has no application beyond litigation in the courts. There is, therefore, nothing to preclude me from requiring the government to give security for the costs of the application for a case. The government has given every indication that it will resist to the utmost the enforcement against it of an order for costs. The present application has lasted for three days, and I have little doubt, having regard to the complex character of the questions of law referred to in the originating summons, that many more days will be occupied in hearing that. I shall direct a stay until a sum of £800 is deposited by the government by way of security for costs.

COUNSEL: *Maugham*, K.C.; *Sir Malcolm Macnaghten*, K.C.; *Stafford Cripps*; *Upjohn*, K.C., and *W. E. Vernon*.

SOLICITORS: *Drake, Son & Parton*; *Burchells*.

[Reported by L. M. MAY, Barrister-at-Law.]

Cases in Brief.

Owners of s.s. "Matheos" *v.* **Louis Dreyfus & Co.** House of Lords. Lords Cave, Dunedin, Atkinson, Buckmaster, Sumner. 13th March.

AFFREIGHTMENT—CHARTER-PARTY—EXCEPTIONS CLAUSE EXCLUDING DETENTION BY ICE—LAY DAYS—DEMURRAGE.

Where a charter-party contains an exceptions clause which excludes in the computation of lay days any period during which loading has been prevented by detention of the ship by ice, and where, notwithstanding detention of the hulk of the ship in this way, nevertheless loading of her cargo by manual labour, although difficult, was not absolutely impossible, but would have been ruinously expensive:

Held, that loading in such circumstances is commercially impossible, and that therefore the loading must be deemed to have been prevented by the detention of the ship by ice within the meaning of the exceptions clause.

FACTS.—The s.s. "Matheos" was chartered by a charter-party dated 28th November, 1921, which provided that she should proceed to Sulina, a port at the mouth of the Danube, and as ordered by the charterers should thence proceed to safe places in the Danube where she was to load a full cargo of wheat. An exceptions clause excluded from the lay days detention by frost or ice. The steamer sailed to Sulina and was ordered to Braila, arriving there on 7th December. When orders to load were received from the charterers, the dock had become frozen so that loading at the quay itself or out of lighters was impossible. Another customary mode of loading at Braila, it was found by the arbitrator, is loading by manual labour across the ice, but this is costly and dangerous owing to heating of the ice. The latter method of loading was not adopted, with the result that the time employed in loading exceeded that permitted under the charter by ten days' demurrage and 87¾ days' detention; ten days demurrage was provided for at a special rate by the charter-party. The arbitrator found that the delay in loading was not excused by detention by frost or ice, and Mr. Justice Rowlatt upheld his award. The Court of Appeal reversed this decision, and the House of Lords have now affirmed the Court of Appeal.

Relevant clauses in the charter-party:—

Clause 7 provided: Seventeen running days, Sundays, Good Friday, Easter Monday, Whit Monday, and Christmas Day and any other recognized holidays excepted, are to be allowed . . . for loading and unloading and ten days on demurrage over and above the said lay days at £40 per running day or *pro rata* for part thereof.

Clause 11 provided: Except as herein provided, detention by frost or ice from Ibrail to Sulina, also detention by quarantine, shall not count as lay days.

Relevant paragraphs in the award:—

Paragraph 19 of the award was in the following terms: No attempt in any way was made to load the "Matheos" at any time between the dates above mentioned, viz., 12th December, 1921, and 9th March, 1922, and although to do so in the position where she was might have been difficult and expensive, I am of the opinion that it would not have been physically impossible to do so by means of chutes and stages and manual labour; one reason admitted by charterers' witness for not loading the steamer during this period was that the cargo would probably have become heated in the steamer and no insurers would have accepted the risk of insurance.

Case quoted:—

Hudson v. *Ede*, L.R., 3 Q.B. 412.

DECISION.—Lord Cave delivered the judgment of the House of Lords to the following effect: First, it was said that, having regard to the words "from Ibrail to Sulina," in clause 11 of the charter-party, that clause was only intended to have effect in the case of detention by frost or ice during the transit between those ports. This contention appeared to be quite untenable. The clause referred to lay days, and there could be no question of lay days during the passage of the vessel down the Danube. The effect of the words was to limit or define the operation of the clause as applied in *Hudson* v. *Ede*, L.R., 2 Q.B. 566, 3 Q.B. 412, so that it should not take effect in the event of detention by frost or ice at any place between Ibrail and Sulina, both inclusive. Secondly, it was argued that the loading of the ship was not absolutely prevented by the ice, as the ship could have been loaded in the dock by manual labour either from the quay or from the lighters lying in the dock, and the time afterwards spent in loading could have been saved. To this it was answered by the charterers that it was commercially impossible for this to be done. This was a question of fact for the arbitrator, and he (the Lord Chancellor) thought that the arbitrator meant that loading by hand during the frost was in the commercial sense impracticable; and certainly there was no finding the other way. That argument therefore failed.

COUNSEL: *Raeburn*, K.C., and *Porter*, K.C., for appellants; *Jowitt*, K.C., and *Le Quesne*, K.C., for respondents.

SOLICITORS: *Holman, Fenwick & Willan; Richards & Butler.*

Barrett and Evans *v.* **Hardy Brothers (Alnwick) Limited.** — K.B. Divisional Court. Bankes and Scrutton, L.JJ. (Sitting as additional Judges of the K.B.D.), 1st April.

LANDLORD AND TENANT—INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTION) ACT, 1920, s. 12 (3)—APPORTIONMENT OF STANDARD RENT—HOUSE DIVIDED IN AUGUST, 1914, INTO TWO PARTS SEPARATELY RATED—STATUS OF FLAT FORMING PART OF ONE OF THESE PORTIONS—METHOD OF ESTIMATING THE APPORTIONABLE RENT OR RATEABLE VALUE.

Where a dwelling-house, on 3rd August, 1914, consisted of six floors, divided into two groups of floors, each group rated as a separate tenement, and where the county court judge has to apportion the rent or rateable value of one flat in one of the two groups in order to ascertain whether or not the standard rent of that flat at the material date under the Rent Restriction Act, 1920, brought it within the limits of value of a protected dwelling-house;

The correct machinery of apportionment is not to find the rateable value of the whole house, then dividing this aggregate amongst the six floors, but to take the rateable value of the group of floors to which the flat belongs and divide this in some equitable way amongst the floors comprising that group.

Lelyveld *v.* Peppercorn, 1924, 2 K.B., 638, *distinguished, and doubts expressed as to its correctness.*

FACTS.—These appear sufficiently in the headnote and judgments.

DECISION.—Lord Justice Bankes delivered the decision of the Divisional Court, affirming the Judge of Westminster County Court, who had found on apportionment that the flat which was the subject of the proceedings had a standard rent which brought it within the ambit of the Rent Restriction Acts. His lordship said that the property in dispute was situated in Pall Mall, No. 61. It consists of a basement let separately as a restaurant, shop on ground floor, and five floors above, some used for business and some for residential purposes. The position of the premises occupied by the respondents is the third floor, which was let to them for residential purposes on a three years' lease, at the annual rent of £215. This floor has never been separately rated. The last previous letting was for residential purposes also by a lease dated 17th August, 1917, at the annual rent of £185. Previously to that the floor had been let as business premises only at an annual rent of £150. The position with regard to the assessment of the premises was that in August, 1914, the basement and first floor were assessed together at £375 gross, and £313 rateable, and the second, third, fourth, and fifth floors were assessed together at £240 gross and £200 rateable. At a later date the second, third, fourth, and fifth floors were assessed together at £240 gross and £200 net, the shop at £650 gross and £592 net, and the basement and café £450 gross and £375 net. The county court judge considered that he was bound to accede to the application for apportionment. He treated the application as an application to apportion the rateable value as between four floors which were assessed together, and on his apportionment of the figures the floor occupied by the respondents is brought within the control of the statute. The appeal, therefore, fails and must be dismissed, with costs. During the argument attention was called to the recent decision of a Divisional Court in *Lelyveld* v. *Peppercorn* (40 T.L.R. 743; 1924, 2 K.B., 638). I do not think the decision in that case can be applied to the present one, and it may be that some day the question of whether that decision is consistent with the earlier decisions will have to be considered.

Lord Justice SCRUTTON delivered judgment to the same effect.

SOLICITORS: *Messrs. Beamish, Hanson, Airy & Co.*, for *Messrs. Dickson, Archer, & Thorp*, Alnwick; *Messrs. Gibbs, White*, and *King.*

Collins (Inspector of Taxes) *v.* **The Forth-Brearley Stainless Steel Syndicate, Limited.** — High Court of Justice, K.B.D., Mr. Justice Rowlatt, 2nd March.

REVENUE—INCOME TAX—PROFITS RECEIVED FROM THE SALE OF PATENTS—CAPITAL ASSETS OR INCOME—TAXABLE UNDER INCOME TAX ACTS.

Where a registered private company receives royalties in respect of patents which are its property, and also sums by way of purchase price for patents sold outright or assigned to companies abroad, the latter profits as well as the former are assessable to income tax as "profits" or "gains."

Case stated by the General Purposes Commissioners under the Income Tax Acts.

FACTS.—A private company, registered in February, 1917, capital £34,000, purchased certain patents under an agreement of 6th March, 1917. It made profits out of (*a*) royalties received under licences of certain of the patents to steel makers in England and abroad; and (*b*) sums received for the sale of others of the patents to companies abroad. It was assessed under sched. D in respect of both royalties and sales of patents. Liability in respect of royalties was admitted, but the profits on sales was claimed to be a part of the capital assets of the company. This claim the Commissioners upheld; but Mr. Justice Rowlatt, on a case stated at the instance of the Inland Revenue, reversed this finding.

DECISION.—Mr. Justice Rowlatt, in delivering his judgment reversing the finding of the Commissioners, said the principle to be followed is quite clear. It has been enunciated in quite a number of cases which it is unnecessary to quote. The Commissioners were under the erroneous impression that appreciation of assets dealt in by a company is appreciation of capital, not income. This is clearly a mistake. Appreciation of assets dealt in is not the same thing as appreciation of land, fixed capital, buildings, or machinery. The latter is capital appreciation. The former is income, for it is an appreciation in the nature of a profit on assets in the course of a business dealing in such. The appreciation of an article, whether it was the property of an individual or of a company,

was not taxed as such, but only if the realisation formed part of the business and was a trade item. Therefore, the first question was whether the company benefited by the appreciation in the course of its trade. The Commissioners must be taken to have found that it did, because that was not the point raised by the appeal. It was abundantly clear that the company was formed to buy patents and to make a profit by using or selling them. If the patents were sold, then the company made a profit on the price at which the patents were purchased. The only items which he had to deal with were the sale of the patents for a consideration in shares, It would be necessary to ascertain as best might be what the patent really cost the company, and what the shares were worth when they were taken over for the price of the patents.

COUNSEL: Crown, *Attorney-General, Mr. Hills;* Respondents *Latter*, K.C., *Mr. Cyril King.*

SOLICITORS. *Solicitor to the Inland Revenue; Messrs. Johnston, Weatherall, Sturt & Hardy.*

In re **The Parishes of Gussage All Saints and Gussage St. Michael, Dorset.** — Privy Council, Jud. Com. Lords Cave, Parmoor, Wrenbury. 20th March.

ECCLESIASTICAL LAW—UNION OF PARISHES—UNION OF BENEFICES ACT, 1919.

Although it may seem desirable on grounds of economy and administration to unite two country benefices with small populations, yet a scheme for such union will not be affirmed on special reference by the Judicial Committee of the Privy Council if there is united opposition to it on the part of the inhabitants.

FACTS.—This was a special reference under the Union of Benefices Act, 1919, to consider a proposal for the union of the two parishes of Gussage All Saints and Gussage St. Michael, in the Diocese of Salisbury. The opposition to the scheme was supported by Mr. Good, who was forty years churchwarden of Gussage St. Michael, and by practically the whole of the parishioners of both parishes. The population of Gussage All Saints was 343 and that of St. Michael 250, and the scheme was to unite the two parishes under one incumbent. He suggested that it was not in the interests of religion that the parishes should be amalgamated.

DECISION.—The Lord Chancellor said that the circumstances of this case were rather peculiar, as, so far as his experience went, they had never before had such a united opposition as was presented to this scheme. Their lordships had come to the conclusion that the appeal should be allowed, and the scheme dismissed.

COUNSEL: *Maugham*, K.C.; *Dighton Pollock.*

SOLICITORS: *Messrs. Peacock & Goddard; Messrs. Miles, Jennings, White and Foster.*

Cases of Last Week—Summary.

Rex *v.* **Thorne. Court of Criminal Appeal. 6th April.**

This appeal from the verdict of murder found against JOHN NORMAN THORNE on his trial before Mr. Justice FINLAY at Lewes Assizes was heard before the Lord Chief Justice, Mr. Justice SHEARMAN, and Mr. Justice SALTER. The facts are familiar to the public and need not be narrated here. It is only necessary to say that there was considerable difference of opinion on points vital to the defence on the part of the medical experts who gave evidence at the trial. On the appeal, in view of this difference of expert opinion, a novel application was made for the prisoner, namely, that a medical commissioner should be appointed to assist the Court of Criminal Appeal in correctly appraising the weight of the expert testimony. But the application was refused.

THORNE's grounds of appeal were—(*a*) that the verdict should be set aside on the ground that it was against the weight of evidence; (*b*) that Mr. Justice FINLAY misdirected the jury at the assizes; and (*c*) that he failed to direct them on other points. The appellant also asked the court to refer to a special medical commissioner appointed by the court under s. 9 (*a*) of the Criminal Appeal Act, 1907, questions regarding (*a*) the degree of severity of Miss CAMERON's bruises and the possibility of their having been inflicted by murderous violence; (*b*) the cause of death being attempted hanging; (*c*) the rope marks on Miss CAMERON's neck; and (*d*) the evidence of Miss CAMERON's neurotic condition in relation to the cause of death. Alternatively application was made for the appointment of a medical assessor under s. 9 (*b*) of the Act to assist the court on these matters.

The Lord Chief Justice, in dismissing the appeal and the application, dealt with the latter as follows: On those facts it was obvious that there was overwhelming evidence on which the jury might have returned the verdict which they did. In addition, however, the attention of the court had been directed to the provisions of s. 9, paras. (*d*) and (*e*), of the Criminal Appeal Act, 1907. Paragraph (*d*) provided that where any question arising on an appeal involved prolonged examination of documents or accounts, or any scientific or local investigation, which could not, in the opinion of the court, conveniently be conducted before the court, the court might order the reference of the question for inquiry and report to a special commissioner appointed by the court, and might act on the report of such a commissioner so far as they thought fit to adopt it. Paragraph (*e*) gave the court power to appoint a person with special expert knowledge to act as assessor to the court in any case where it appeared to the court that such special knowledge was required for the proper determination of the case. Undoubtedly the Legislature had armed the court with the widest possible powers for the purpose of investigation. In a proper case the court would not refuse to use all those powers. It was, however, fundamental in this country that issues in criminal cases were tried by juries. Where the question was whether the verdict of a jury in a criminal case ought to be disturbed, the court would hesitate long before it transferred, or seemed to transfer, to a medical expert, or medical experts, the determination of a question on which a jury, with conflicting views before them, had arrived at a unanimous conclusion. There was nothing in the case which made it desirable to have recourse to the special and exceptional powers provided by s. 9.

COUNSEL: *Mr. Jowitt*, K.C., *Mr. J. D. Cassels*, K.C., *Mr. Cecil Oakes*, and *Mr. Charles Abbott*, appeared for the appellant; *Sir Henry Curtis Bennett*, K.C., and *Mr. Raymond Negus*, for the Crown.

SOLICITORS: *Mr. E. A. R. Llewellyn; the Director of Public Prosecutions.*

In re **Kingston-upon-Hull Justices (De Moxon). Mr. Justice Roche. 6th April.**

In this case Mr. Justice ROCHE had to hear and determine an appeal from the Minister of Labour under the Unemployment Insurance Act, 1920, s. 10, as to whether or not a Mr. MOXON was an employed person within the meaning of the Act. If so, Mr. MOXON was liable to pay an employee's contribution under the Act, but this he was alleged to have refused to do. He had been summoned before the justices of Kingston-upon-Hull for refusing or neglecting to make this payment, but the hearing had been adjourned for the determination of the Ministry of Labour of the question whether or not he came within the category of "employed persons." The Ministry of Labour decided that he did. From this decision Mr. MOXON appealed to the High Court.

Mr. MOXON was the master of a barge, such that (1) the owner of the barge bore the expenses relating to the upkeep of the vessel, (2) the master engaged the crew and had control

during the voyage, (3) the owner and master shared the profits on the "thirds system." Mr. Justice ROCHE held that in such circumstances the owner and master are co-adventurers; not "employer and employee," so that no relation of employment exists to which the Insurance Acts apply.

Mr. Wilfrid Price appeared for Mr. MOXON; *Mr. C. W. Lilley* for the Ministry of Labour; and *Mr. Harold Murphy* for the Ministry of Health.

The solicitors were: *Messrs. Pritchard & Sons* for *Messrs. Jackson & Co.*, Hull; *The Solicitors to the Ministries of Labour and Health respectively.*

Rex *v.* **Editor and Publisher of "The People"**—*ex parte* **Hobbs. Divisional Court. 7th April.**

In this case the Divisional Court discharged a *rule nisi*, calling on the editor and publisher of *The People* to show cause why they should not be attached for contempt of court. The alleged contempt consisted in publishing articles criticising the *Robinson Case* and the conduct of HOBBS subsequently to the conviction of the latter at the Old Bailey, but before the Court of Criminal Appeal had heard his appeal. In the articles complained of HOBBS, his affidavit alleged, had been described as "the wizard crook of the underworld." The court took the view that articles of this kind could not possibly be calculated to prejudice the Court of Criminal Appeal, so that no question of contempt arose.

THE LORD CHIEF JUSTICE, in delivering his judgment, pointed out that the only question before the court in such a case is whether or not the articles complained of were calculated to prejudice the particular court before whom the pending proceedings must come. It was not necessary to survey the general field of contempt of court as was done in the leading case in 1742. The present application was concerned only with the kind of contempt which really consisted of a tampering with the course of justice. His lordship referred to *Dallas* v. *Ledger*, and to the judgment of Lord RUSSELL in *Reg.* v. *Payne*, 12 T.L.R. 321; [1896] 1 Q.B. 577, the *locus classicus* on this branch of contempt. The court is not a school of taste; however deplorable, however disgusting these articles may be, or be thought to be, the question of censure to be passed on them by men of taste or men of discretion does not arise. The only question is whether they are calculated to prejudice the fair hearing of the appeal. Whatever may be the remedies of HOBBS otherwise, or the views of a *censor morum* or tasteful critic about these articles, they do not come within this branch of the law of contempt, and the rule will be discharged.

The court consisted of THE LORD CHIEF JUSTICE, Mr. Justice SHEARMAN, and Mr. Justice SALTER.

COUNSEL: For the respondents, showing cause, *Jowitt*, K.C., *Mr. Kimber*; for the applicant, *Serjeant Sullivan*, K.C. *Mr. Martin O'Connor.*

SOLICITORS: *Messrs. Oswald Hickson, Collier & Co.*; *Edmund O'Connor & Co.*

The Solicitors' Bookshelf.

Local Government in Scotland. By W. E. WHYTE, Solicitor. William Hodge & Co., Ltd., Edinburgh and Glasgow.

So little is known in England about the law or the administrative machinery of the sister-kingdom north of the Tweed, that a readable book on Scots local administration must always prove useful to the reader specially interested in local government practice. Mr. Whyte's book covers the whole of a very wide field, in a readable and not unduly concise manner. Here the English lawyer will read of many bodies and authorities, unfamiliar to English life, *e.g.*, the "Dean of Guild Court," and the "Convention of Royal Burghs." An admirable little work, thoroughly to be commended.

An Outline of the Law of Agency. By A. M. WILSHERE, Barrister-at-Law. Sweet & Maxwell, Ltd. 7s. 6d. net.

This short book, of just about 100 pages, consists merely of the Articles on Principal and Agent in the Encyclopædia of the Laws of England (professionally known as "Green's Encyclopædia") with such changes as were rendered desirable by its publication in book form and the addition of matter necessary to bring it up to date. It is somewhat of a pity, we think, that the deserved popularity of Halsbury's Encyclopædia has obscured somewhat the equally high repute formerly enjoyed by Green's Encyclopædia. The articles in this latter work, although not so extensive in volume as those in "Halsbury," are extremely lucid, accurate and scholarly summaries of the branches of law which they purport to cover. For the practitioner anxious to arrive quickly at the comprehension of the legal principles necessary to the conduct of an unusual type of case, "Green" is still an unrivalled storehouse of succinct information. In fact, we have often wished that its publishers would incur the commercial risks of bringing out a new edition, although the existence of so formidable a competitor as "Halsbury" is no doubt a grave snag in the way of such an enterprise. Failing the bolder undertaking there is much to be said for the re-issue of small portions such as Mr. Wilshere's useful little book on Agency proceeds to do.

Correspondence.

The Rent Restriction Acts.

Sir,—In reference to the notes in your issues of the 30th of January and the 7th of February referring to the Rent Restriction cases of *Goklee* v. *Burgener* and *Bayley* v. *Walker*, it seems that no difficulty arises if the rules in regard to appropriation of payments and the principle of *Clayton's Case* are applied.

In *Goklee* v. *Burgener*, it appears that the rent was payable monthly, if, therefore, at the end of the sixth month from the date of the first overpayment that month's rent were held by the tenant it would, according to the rule in *Clayton's Case*, be appropriated to the liquidation of the landlord's liability in respect of the first month's overpayment within the statutory limit of six months, thus the number of overpayments remaining would be five only. At the end of the ensuing month, that month's rent would be retained and according to the same rule it would be appropriated to the earlier overpayment within the limitation imposed.

This presupposes that each month's statutory rent is of sufficient amount to liquidate each month's overpayment, if it were otherwise, then the difficulty suggested by "Chattel Real" in his note to *Bayley* v. *Walker*, 69 SOL. J., arises. There seems, however, to be a fallacy in the argument put by "Chattel Real" in his imaginary case in his regarding the set off of the rent each month, as though it were a payment made by the tenant to the landlord in the first instance, whereas the true nature of the transaction seems more in the nature of a payment (by means of a service) by the landlord to the tenant, and there is no reason to treat the transaction as though it were first a payment by the tenant.

It seems, therefore, that in those cases in which the statutory monthly rent is insufficient to liquidate the landlord's liability in respect of overpayments made to him, then that part of any overpayment which cannot be liquidated within the statutory limitation is lost. In my submission, therefore, the only deduction which could be made from the rent to meet the overpayment of £200 in "Chattel Real's" imaginary case is the sum of £50, and the ingenious method suggested, as "Chattel Real" says, could not be sustained. But the case put is in my opinion quite different from *Goklee* v. *Burgener*.

G. P. BOON.

St. Kitts, British West Indies.

Drunkenness Tests.

THE DIFFICULTIES OF DIAGNOSIS.

Sir James Purves-Stewart, Senior Physician, Westminster Hospital, delivered recently a lecture on "Drunkenness: Its Tests and Medico-Legal Aspects," to the Society for the Study of Inebriety. This lecture has been much discussed, and of which therefore a summary may be useful here. Sir James Purves-Stewart said that, with all deference to the learned legal authorities, he would submit the following definition:—"A drunken person is one who has taken alcohol in sufficient quantity to poison his central nervous system, producing in his ordinary processes of reaction to his surroundings a temporary disorder which causes him to be a nuisance or danger to himself or others." The total amount of alcohol necessary to produce nervous symptoms varied widely in different cases.

The diagnosis of drunkenness was in most cases made by what trade unionists would call unskilled labour; it was made by a policeman, and at the police-station the police officer's diagnosis was confirmed or otherwise by the police surgeon. Medical officers varied considerably in their temperament and their susceptibility to the dogmatic suggestions of drunkenness propounded by police-constables. But he wished to make it perfectly clear that in nine cases out of ten the policeman's diagnosis was correct.

When asked in the witness-box what was the condition of the accused person, the constable usually replied, confidently and dogmatically, "He was drunk." If pressed, he generally said, "He smelt of drink; he was disorderly in his conduct; he spoke indistinctly; and he staggered in walking." Such facts were certainly strong presumptive evidence of drunkenness. But, being human, even a policeman might be mistaken, for, apart from the smell of alcohol, every one of the foregoing evidences of drunkenness might be found in persons who were perfectly sober. It was easy to understand how an individual with the unsteady gait of locomotor ataxia or of cerebellar or labyrinthine disease, or a patient with dysarthria from bulbar palsy, palatal deficiency, or even with a stammer, or another who was nervous or angry or otherwise emotionally excited from perfectly legitimate cause, might quite innocently be charged with being drunk.

Among the common manœuvres for eliciting the presence of cerebellar ataxia a favourite one was to ask the patient to walk along a straight and narrow path, then to turn quickly and come back again. The more difficult feat of walking heel and toe along a chalk line was an entirely artificial test which quite a number of sober persons might fail to accomplish. Failure to stand on one leg with the eyes shut was a mild acrobatic feat which the most sober might easily fail to execute during the emotional excitement following police arrest. The most exemplary abstainer might well feel apprehensive if he fell into the hands of a medical officer who exacted so high a standard of cerebellar efficiency. In his (the lecturer's) opinion, disordered articulation, to be of value in establishing the diagnosis of alcoholic intoxication, should be present in the pronunciation of words which the individual was likely to use in his ordinary conversation. It was all very well to try an elocutionist, a schoolmaster, or a member of a learned profession with "tongue-twisters," but to expect perfection with such phrases in a chauffeur, a labouring man, or even an ordinary member of society, at a time of emotional shock, was unfair.

After dealing with the various symptoms of drunkenness, the lecturer said the important point was not whether a person could perform various feats of elocution or mild acrobatic *tours de force* (unless he happened by profession to be an elocutionist or an acrobat), but whether he was in a fit condition to pursue his ordinary daily avocation in life.—*Times*

RECORDER ON THE DUTIES OF A GRAND JURY.

The Recorder, in a recent charge to the Grand Jury, said it was no part of their duty to try the cases which were submitted to their consideration. They had merely to ascertain whether or not there was a case for investigation—a case in which the accused person should be put on trial; and if they came to that conclusion after hearing one or two witnesses, or any number they chose, that there was a case that ought to be inquired into, then their duty would be sufficiently performed by returning a True Bill. If, on the other hand, there was any case in which they entertained a real doubt as to whether an accused person should be put on trial, then it was customary, although it was not obligatory, to hear all the witnesses before arriving at that decision. The Grand Jury were not concerned with matters of defence. They did not hear the defendant, or any witness on his behalf, and therefore the Grand Jury were not entitled, to search about for possible answers to the charge, because that was a matter which would be raised when the trial was held before the judge and petty jury.

Law Societies.

To Secretaries.—Reports of meetings, lectures, etc., to ensure insertion in the current number, should reach the office *not later* than 4 p.m. Wednesday.

Solicitors' Benevolent Association.

The monthly meeting of the Directors was held at the Law Society's Hall, Chancery Lane, London, on the 8th inst., Mr. E. F. Knapp-Fisher, in the chair. The other Directors present were Messrs. W. F. Cunliffe, T. S. Curtis, C. G. May, H. A. H. Newington, R. W. Poole, M. A. Tweedie and A. B. Urmston (Maidstone). £540 was distributed in grants of relief. Sixteen new members were admitted and other general business transacted.

The Medico-Legal Society.

An ordinary meeting of The Medico-Legal Society (of which Lord Justice Atkin is president), will be held at 11 Chandos-street, Cavendish-square, on Tuesday, the 21st April 1925, at 8.30 p.m., when the Right Hon. Lord Riddell will read a paper on "The legal responsibility of the Surgeon."

Law Society's School of Law.

SUBJECTS FOR THE TERM.

The subjects to be dealt with during the term will be, for intermediate students—

(1) Law of Property in Land (Mr. Formoy).
(2) Obligations and Personal Property (the Principal).
(3) General Course (Mr. Formoy and Mr. Tillard).
(4) Trust Accounts (Professor Dicksee).

The subjects for final students will be—

(1) Real and Personal Property (Mr. Danckwerts).
(2) Common Law (Mr. Landon).
(3) Contract of Employment (Mr. Chorley).

Special classes on (1) Equity (Mr. Danckwerts) and (2) Criminal Law (the Principal) will be held for the benefit of students who intend to sit for the honours examination. Mr. Landon will continue his course of classes on Roman Law and Mr. Wade will hold classes on Constitutional Law for students who intend to sit for the Intermediate Examination in Laws of the University of London.

Copies of the prospectus and time-table may be obtained on application to the society's office, and also copies of the regulations governing the three studentships offered by the council for award in July next. Entry forms for that examination may now be obtained. The last day for giving notice for the examination is 11th May.

The Law Society.

FINAL EXAMINATION.

The following Candidates (whose names are in alphabetica order) were successful at the Final Examination held on 16th and 17th March, 1925.

Adams, Geoffrey Coode, B.A. Oxon.; Andrews, Richard Henry; Attenborough, John Frederick; Barlow, Joseph William; Barrington, John Hugh; Bein, Albert Baruch, M.A. Cantab.; Bell, Frederic Robinson; Beven, Leonard Whyman; Blakeney, William Ernest; Blakeway, Richard Harry; Borrowdale, Hubert Robert; Bowen, Richard Stephen; Bretherton, Francis Osborn; Bridgwater, Basil; Brown, Frederick William; Brown, Grace; Butler, Richard Ambrose; Calder, Henry William Keith; Caney, Gerald Gurlitt; Carnegie, Cyril Jerome; Caswell, John Blacker; Cawdron, Eric Reginald; Challinor, George Alfred; Chapman, Edward Collingwood; Chapman, Thomas Herbert, LL.B. London; Chilton, Benjamin, B.A. Cantab.; Cockshott, Winnifred, M.A. Oxon.; Coldham, Albert Sydney; Cole, Frank Edward; Conchar, Robert; Corlett, Norman Bremner; Cousins, Bernard Delacour, M.A. Cantab.; Cunnington, Horace Hargreaves; Davies, Eric Bancroft; Davies, Frank Wynne, LL.B. London; Davies, Kenneth Moy; Dible, Irene; Dixon, Arthur Halstead; Dommett, Thomas Charles; Dutton, John Harry Moore; Dynes, Maxwell Russell, B.A. Cantab.; Edwards, Cecil Ewalwin; Edwards, Henry Nugent Armstrong Grey; Evans, Norman Harrison; Ferguson, Archibald John Lindo; Forward, Francis Charles Miller; Gale, Harry Rex; Gillham, William Frederic; Gillitt, Harry Noel; Godwin, Gerald Noel; Graham, Ronald Douglas Claverhouse; Gray, William Duncan; Green, Herbert William; Hall, John Heap; Halls, Gordon; Harvey, Percy Sydney; Hickman, Humphrey Cressey; Hicks, Arthur Norman, B.A. Oxon.; Hillman, Rex Anthony Edward; Hodges, Cecil George; Howells, William John; Howgate, John, LL.B. London; Howson, Fred; Hughes, Harold Charles, B.A. Cantab.; Hurd, Broughton Holdsworth;

Jagger, Arthur Humphrey, M.A. Oxon.; Jefferies, Doris Agnes; Johnston-Noad, Edward; Jones, Keith Miller, M.A. Oxon., LL.B. Leeds; Jones, Trevor; King, Geoffrey Marten; King, Gilbert Arnold; Lester, Norman; Levett, Donovan Rupert Horace; Liggins, Fred; Lightfoot, Ernest Eldon; Lowe, George Cecil; Manley, Gerald Arthur Churchill, B.A. Cantab.; Maylam, Robert Clark, LL.B. London; Miln, Alan Maxwell; Minshall, Percy Barrow; Moore, Wilfred Hugh; Morgan, Ronald Ernest Gooch; Morris, Lionel Philip; Morton, John Aylmer Fitz-Hardinge, B.A. Cantab.; Mote, John Hurden; Palmer, Howard; Phillips, Geoffrey Moreton; Pinhorn, Malcolm Herbert; Politzer, Eric Bache, B.A., LL.B. Cantab.; Porter, Cecil Herbert, B.A. Oxon.; Priscott, Herbert; Proctor, Charles; Reece-Jones, Lewis Vernon; Rhodes, Herbert Gibson, B.A. Oxon.; Roney, Ernest John, B.A. Oxon.; Rutherford, Edwin Vickerman, B.A. Oxon.; Samuel, Charles; Scott, George Hamilton; Silson, Arthur; Slaughter, Arthur, B.A. Cantab.; Slim, Horace Cornelius; Soanes, Stanley Charles Vernon; Sprinz, Frank Reginald; Storr, Paul; Stuchbery, Thomas Alan; Tatham, Wulfstan, M.A. Oxon.; Taylor, Edward Athol William; Taylor, Gillian; Templeman, Arthur Cowley; Thackwray, Harold Lackabane; Thomson, Knowles Archer; Usher, William; Vince, Charles; Viney, Albert George; Walsh, Ernest Crawshaw; Warwick, Douglas Clifford; White, Douglas Onslow; White, Eric Vivian, M.A., LL.B. Cantab.; White, George Symmons; Whitelock, Arthur Ernest; Whitfield, John Frank; Williams, Bernard Acton; Willis, George Charles; Willis-Fleming, Edward; Wyatt, Wilfred Adlington.

No. of Candidates .. 140 Passed .. 126

The Council of The Law Society have awarded the following prizes:—

To Herbert Gibson Rhodes, B.A. Oxon., who served his articles of clerkship with Mr. Frederick William Brown of the firm of Messrs. Brown, Quayle & Bentley Turner of London and Southport—The Sheffield Prize (founded by Arthur Wightman, Esq.), value about £35.

To Charles Samuel, who served his articles of clerkship with Mr. George Barrow Cummins of the firm of Messrs. Cummins & Hull of Liverpool—The John Mackrell Prize, value about £13.

INTERMEDIATE EXAMINATIONS.

The following Candidates (whose names are in alphabetical order) were successful at the INTERMEDIATE EXAMINATION held on the 18th and 19th March, 1925.

A Candidate is not obliged to take both parts of the Examintion at the same time.

FIRST CLASS.

Collinson, Edward Howard; Eades, Reginald William; Rogers, John Bernard; Smith, John Woodman, B.A. Oxon.

PASSED.

Allen, Stanley Thomas; Baker, Charles Martin Alford; Beaumont, Groffrey Phillips; Bentley, Albert Charles; Blackman, Percy Harold; Bramsdon, Hugh; Buckley, Phyllis Marion; Chadwick, Geoffrey Bloor; Champion, Constance Vera; Cooper, Alan Lawrence; Daniel, Russell Charles Lewes; Davies, Eyan Glynne; Dolman, Eric Charles; Duthie, Charles Kenneth; Edwards, John Reginald; Foster, Cecil William, B.A. Cantab.; Freeman, Edward Hugh Ramsden; Hodgson, Frederick Cairns; Hopkin, George Raymond Buxton; Isherwood, Harry; Jones, Owen Cecil; Kingsford, Edward Hilary Lethbridge, B.A. Oxon.; Littler, Alfred; Makey, Douglas Arthur; Moeran, Edward Warner; Mossop, Henry Swinson Valentine; Moxley, Edward; Nell, Jack Humphrey; Palmer, Arthur; Parmenter, Fred; Pyle, James Newman; Smith, Charles Herbert Stanley; Smith, Francis Highmoor Carr; Stockdale, Nellie; Storr, Thomas William; Tarlo, Joel; Taylor, Harry; Thorne, Alan Archibald; Turk, Nathan; Webb, Alexander Harvey; Wilkie, Kenneth Fitzgerald.

THE FOLLOWING CANDIDATES HAVE PASSED THE LEGAL PORTION ONLY.

Adams, Francis Hamp; Adey, Vivan Owen; Alexander, William Henry Mason; Attlee, John Bartram Shoveller; Bailey, Albert Percival; Bantoft, Arthur; Barber, Geoffrey Mackenzie Ellison; Barkes, John Donat; Berridge, Christian Gerard Timperley; Binns, Stuart Lester; Bird, Conrad Victor; Blake, Charles Anthony Morgan; B.A., Cantab. Boulton, Humphry, B.A. Cantab.; Bowdler, Henry David; Brewer, Vivian Knighton; Brown, William Cecil; Burder, John, B.A. Oxon.; Cafferata, Wilfrid Reginald; Castledine, Harry Alfred; Clark, Alan Copley; Clarkson, Albert John; Crosse, Violet Evelyn; Cumpsty, William Traviss; Davies, John William; Drury, Henry John; Dykers, John Edward Hey; Eddowes, Michael Henry Beaumont; Eichholz, Robert Nathaniel; Fillmore, Howard Charles Fred Millard; Forward, Edward Alfred Pinney; Frost, Thomas Joseph Cuthbert; Gould, Guy Harford; Griffith, Harold John Jarvis; Gulliver, Ronald Frank Leo, B.A. Durham; Hammond, Philip Jones; Hart, William Godfrey Scott; Hawley, James Killer; Hedge, Clifford James; Herbert, Linoel Francis; Horley, Roy Englebert; James, Oswald Leo; Jones, Frederick William; Jones, Kenneth; Kenwright, Harold; Kimber, George William Britton; Kwok, Peter Hingkai; Lake, Arthur Rayden; Lalonde, Theodore Ernest; Lambert, Harry Ronald; Lawson, Phyllis Newman; Locker, Ronald George Pearsall; Maddocks, Thomas Frederick; Menner, Tom Wellington; Merrick, William; Morris, Harold Alfred; Mountain, Francis Joseph Reginald; Nolan, John Patrick; Odhams, Vernon Charles; O'Meara, Desmond Victor; Orme, Arthur John Albert; Palmer, Bernard Octavius Drew; Palmer, Robert Comins; Paynter, William Bernard Camborne; Peel, Robert; Perkins, Samuel Watson; Perry, Thomas; Plowman, John Anthony; Porter, Charles Vernon; Pridham, Arthur Wellesley; Prothero, Arthur Caradoc; Saul, Thomas Wingate; Seaton, William Alexander, B.A. Oxon.; Sharp, Philip Granville; Snow, Richard Malcolm; Somerville, Eric Stafford; Sturton, Charles Walter; Swabey, Brian Wilberforce; Swatton, William Thomas; Thackray, Harold Ewart, B.A. Cantab.; Thatcher, John Robert Crampton; Thomas, Samuel Dunstan; Trotman, Fiennes; Truman, Reginald Henry; Turner, William Briggs Barwell; Wilson, Edward Rowland; Winter, Robert Jennings; Zabell, Norman Francis.

No. of Candidates - 194. Passed - 132.

THE FOLLOWING CANDIDATES HAVE PASSED THE TRUST ACCOUNTS AND BOOK-KEEPING PORTION ONLY.

Almond, James Pierce, LL.B. Liverpool; Atherton, John Winn; Atkinson, Oliver Dower; Bailey, Charles Groffrey, LL.B. Leeds; Bailey, Daniel Donald; Beanland, Norman; Bennison, Clifford; Bewes, Arthur Reginald; Binns, Edwin Nöel, B.A. Cantab.; Black, James Edward, LL.B. London; Blok, Arthur Joseph Robert; Bointon, Leonard James; Borg, Malcolm Dudley; Bowdler, Charles Neville Hunt; Brown, Malcolm Seymour; Chapman, Herbert Vincent; Clare, Leonard; Cohen, Myer; Collins, Laurance Havelock, B.A. Cantab.; Cope, Edward John; Cowen, Lionel; Cox, John Charles; Crehan, James Patrick; Cresswell-Bean, Henry; Crossley, Hubert; Crump, Raymond Dudley; Curral, Ivo Leigh; Davies, Goronwy Rhys; Davies, John Alun. B.A., LL.B. Wales; Davies, Robert Griffith; Dawson, Reginald Lloyd; Dennis, Lawrence Bertie; Denny, Cecil Bibby; Dunn, Frank Arthur; Dunsmure, Henry John Alexander, B.A. Oxon.; Dyson, Ernest; Ellison, Dede Dalton; Enerver, William Baxter; Evans, Dan; Farrelly, Leonard; Fildes, Frank Cyril; Frowen, Cyril; Gilman, Denis George; Glover, John; Gwynne, Reginald James; Hargreaves, Edward Walker; Hart-Leverton, Morris Joseph, LL.B. London; Hartley, Victor Hyde; Heard, George William; Hendy, Herbert Gladstone; Higgins, Charles Henry; Hiller, Lippe Speight; Hutchen, William Warden; Hyman, Marcus; Isaacs, Eric Hyman, B.A., LL.B. Cantab.; Jerman, Reginald Herbert, M.A. Oxon.; Jessup, Thomas Millington; Joynson-Hicks, Lancelot William, B.A. Oxon.; Kemp, Henry Herbert; Kennard, Harold George; Lawrence, Philip Henry; Lawson, James Kemp; Lee, Percy; Long, Frederick Kenneth Radcliffe, B.A. Cantab.; Macaulay, Kenneth Aulay; Medley, John Christopher, B.A. London; Mitchell, John Reginald Jackson; Mott, Edward Harris; Moys, Stafford Wilson; Neave, Eric Neville; Oliver, Edward; Osborne, Francis Thomas; Paine, John Marwood, B.A. Cantab.; Parry, William Thomas Brookes; Paterson, Richard Eric; Pearce, Herbert Stanley; Peck, Herbert Gordon Savil; Peters, Herbert Grayshaw; Pope, Richard Mason; Pratt, Alfred John; Preston, Thomas Sansome, B.A. Oxon.; Price, Richard James Emlyn; Pugh, John Geoffrey; Rankin, James; Ray, Edward Tucker; Raynes, Edward Gervase; Rendell, Donald Ian; Richards, Lilian Margery; Roberts, Richard Caradoc; Rudd, William Thornton; Russ, Aubrey Gonvi O'Hara; Schofield, Alfred Norman; Sheppard, Claud John Lorrain; Shorter, Reginald Alfred; Smith, James Frederick; Speechley, Albert; Speechley, Ronald Henry; Stallard, Francis William, B.A., LL.B. Cantab.; Stenson, John; Strong, Thomas, B.A. Cantab.; Terry, Philip John, B.A. Oxon.; Thorpe, Ernest Scott; Tucker, Leslie Freeman; Tuckett, Coldstream; Turner, Geoffrey Wreford; Twycross, Edward Lionel; Twyford, Robert Hamilton; Vezey, Thomas, B.A. Cantab.; Walsh, Dennis Cecil Whittington; Ward, Humphrey Kenneth Carpenter; Welch, Jack Redmayne; Weston, Robert McVitie, B.A. Cantab.; Williams, Rowland Francis; Willis, Geoffrey Charles; Woods, Arthur Harold, B.A. Cantab.; Woolley, William Leslie Paget; Wrench, Robin Wynell; Youden, George Henry.

No. of Candidates - 197 Passed - 163.

Obituary.

[Notices intended for insertion in the current issue should reach us on Thursday morning.]

SIR THOMAS RATCLIFFE RATCLIFFE-ELLIS, K.B.

Sir Thomas Ratcliffe Ratcliffe-Ellis, of General Buildings, Aldwych, W.C., and of Wigan and Wrexham, died at Wigan on the 7th March in his 83rd year. Sir Thomas was born at Wigan in 1842 and educated at Wigan Grammar School. He was admitted in 1865, and in the following year joined the firm of Messrs. Leigh & Ellis, of Wigan, remaining a partner until 1875, when he joined Mr. Edward Scott, the business being carried on under the name of Messrs. Scott & Ellis. On the death of Mr. Scott in 1883, Sir Thomas became a member of the firm of Messrs. Peace & Ellis, and so remained until his decease. He held several public appointments, and was clerk to the Wigan Borough Justices, from 1874 to 1900; clerk to the Wigan Burial Board, 1884 to 1902, and was also for a number of years clerk to the Urban District Councils of Billinge, Ashton and Haydock. Sir Thomas was recognised as an authority on colliery and mining law, in which he specialised, holding several important positions in connection therewith. He was legal adviser and secretary to the Lancashire and Cheshire Coal Owners' Association, later becoming law clerk and secretary to the Mining Association of Great Britain. In 1906 he was a member of the Royal Commission on Mines, and in 1907 he served on a Royal Commission on a Railways Conciliation Scheme. He was knighted in June 1911.

MR. GROSVENOR WOODS, K.C.

Mr. Grosvenor Woods, K.C., died in Kensington on Sunday, the 5th inst., at the age of 87. Matthew Snooke Grosvenor Woods was born on 14th March 1838, the only son of Matthew Snooke, of Chichester, and Elizabeth, daughter of Frances Smith, M.D., of Maidstone. He was sent to the Prebendal School at Chichester, and went up to Trinity College, Cambridge. He took his degree as sixth wrangler in 1860, the year when Stirling, also of Trinity, afterwards Lord Justice, was senior. Snooke was elected a fellow of Trinity in that year, and was for three years assistant tutor. In 1863 he adopted the name of Woods in compliance with directions in his father's will. In 1865 he was called by Lincoln's Inn, and practised with success for many years at the Chancery Bar. He took silk in 1894, and was elected a bencher of his Inn. Mr. Grosvenor Woods married in 1877 Mary Amabel, daughter of John Vincent Thompson, serjeant-at-law; she died in 1915. The cremation was held privately on the 7th inst., at Golders Green, and the ashes were interred in St. Marylebone Cemetery.

Mr. T. W. BROGDEN.

Mr. Thomas William Brogden, a Bencher of the Middle Temple, died in a nursing home on Monday, the 6th inst., at the age of eighty-one. The son of Alderman Brogden, of Lincoln, newspaper proprietor, he was a scholar of St. John's College, Cambridge, and took his degree in 1867, being bracketed ninth in the first class of the Classical Tripos with Gwatkin, also of St. John's, afterwards Dixie Professor. The senior classic that year was the late Sir J. E. Sandys, and Sir Frederick Pollock was second, and Sir Sidney Colvin third classic. Brogden was called to the Bar by the Middle Temple in 1868, and went the Midland Circuit, practising also at the Nottingham, Derby and Lincoln Sessions. For many years he had had chambers in New Court, Temple. He was one of the Senior Benchers of the Middle Temple.

MR. F. A. SCOTT.

Mr. Frederick Arthur Scott, solicitor, senior partner of the firm of Messrs. Scott & Cooper, of Hull, died at Sutton, near Hull, on the 6th March, aged 81. Mr. Scott was educated at Marlborough, and admitted in 1867. He was a past president of the Hull Incorporated Law Society, and solicitor to the old Hull School Board, and at the time of his death was the senior practising solicitor in Hull.

Miscellanea.

Mr. John Druitt has resigned the town clerkship of Christchurch, Hants; he and his father held the position for seventy-three of the eighty-three years' existence of the Town Council. Mr. Druitt was admitted in 1887.

Mr. William Bantoft, town clerk of Ipswich, has announced his intention of retiring in May. He has been town clerk and clerk of the peace of Ipswich for forty-two years and was admitted in 1873.

At Leeds Assizes yesterday Mr. Justice Branson, referring to the taking of a photograph in court during the Bradford murder trial earlier in the week, said that the practice would have to stop. He wanted everybody to know that it was not to be done, or it would be treated and tried as contempt of court and punished accordingly.

The text has been published of a Bill presented by Mr. Lansbury, providing that "after the passing of this Act no criminal proceedings shall be instituted in any court against any person for schism, heresy, blasphemy, blasphemous libel, or atheism." The Bill is supported by Mr. Snell, Mr. Thurtle, Mr. Dunnico, Dr. Salter, Captain Wedgwood Benn, Mr. Scurr, and Mr. Wallhead.

Mr. WILLIAM SUTTON, of Prudential-buildings, Mosley-street, Newcastle-on-Tyne, has taken into partnership Mr. GEORGE CHESHIRE and Mr. OLIVER THOMPSON, both of whom have assisted him in recent years. The practice will be carried on under the firm name of "Messrs. Sutton, Cheshire and Thompson."

Ernest Furze, twenty-five, kitchen porter, pleaded "guilty" before the Recorder at the Central Criminal Court recently to stealing property in a dwelling-house at Richmond. Mr. Faraday prosecuted. In a note which he handed up to the Recorder, the prisoner asked to be sent to penal servitude, saying that imprisonment only hardened him, and he would prefer three years' hard work in the quarries of Dartmoor rather than a long sentence in a local prison. The Recorder (Sir Ernest Wild, K.C.) said there was a good deal of sense in what the prisoner had said. He would sentence the prisoner to three years' penal servitude. The prisoner: Thank you, my Lord.

THE MUTUAL PROPERTY INSURANCE CO., LTD.

In the House Purchase Department of this company's business we observe from the annual report that the premium income has increased from £82,712 (in 1923) to £90,735, whilst the interest and rents have risen from £11,949 to £18,809. The profit transferred to profit and loss account for the year was £11,734. Expenses of management show a reduction in ratio of 4.83 per cent. Completed advances during the year for the purchase of houses to enable tenants to become owners amounted to £205,000, whilst the premium income collected during the same period amounted to £125,506.

Legal News.

Appointment.

[Notices intended for insertion in the current issue should reach us on Thursday morning.]

Mr. WALTER GREAVES-LORD, K.C., has been appointed Recorder of Manchester in succession to the late Mr. A. J. Ashton, K.C. Mr. Greaves-Lord was called by Gray's Inn in 1900, and took silk in 1919.

Dissolutions.

FRANK CECIL MORRISON, FREDERICK JAMES NIGHTINGALE and EVELYN LOVELL HEWITT, solicitors, Reigate, Redhill and Horley (Surrey), and 124, Chancery Lane, London, W.C. (Morrison, Nightingale & Hewitt), Mr. F. J. Nightingale retires. [*Gazette*, 10th April.

JAMES TURNER WELLDON, JOHN CREERY, JOHN HENRY GILL, ALEXANDER DALLAS BRETT and JOHN WILLIAM KENNARD, solicitors, Ashford, Lydd and Folkestone (Kent) (Hallett, Creery & Co., and J. S. Fraser & Co.), Mr. A. Dallas Brett retires. [*Gazette*, 14th April.

Deaths.

[Notices intended for insertion in the current issue should reach us on Thursday morning.]

BROGDEN.—On the 6th inst., at a nursing home in London, Thomas William Brogden, M.A., Barrister-at-Law, a Bencher of the Middle Temple, of No. 1 New Court, Temple, aged eighty-one years.

GRANVILLE-SMITH.—On the 13th inst., G. Granville-Smith, a Master of the Supreme Court, of 2, Inverness-terrace, W.2.

RANDALL.—On the 12th inst., at his residence, 159, Oakwood-court, Kensington, of blood poisoning, Alfred Edward Randall, of Lincoln's Inn, barrister-at-law.

SEALY.—On the 5th inst., William Henry Streatfield Sealy, late Civil Commissioner and Resident Magistrate of Bredasdorp, South Africa.

WOODS.—On the 5th inst., at 25, Sheffield-terrace, Kensington, W.8, Matthew Snooke Grosvenor Woods, K.C., Bencher of Lincoln's Inn, and formerly of Trinity College, Cambridge, aged eighty-seven years.

WYNNE-FFOULKES.—On the 6th inst., in U.S.A. (of pneumonia), Sidney, youngest son of the late Judge Wynne-Ffoulkes, of Chester, aged sixty-two years.

Probate.

Mr. John Frederick Symons-Jeune (75), of Runnymede, Windsor, Examiner of Standing Orders in the House of Lords, left estate (unsettled) of the gross value of £18,111.

Mr. Edward John Spofforth Athawes (51), of Dumpton-terrace, Ramsgate, barrister-at-law, left estate of the gross value of £2,786.

Mr. Leslie Bert Chambers, M.C., solicitor, of West Bridgford, Nottingham, left property of the gross value of £10,274.

Mr. Martin Henry Lindsell, C.B., barrister-at-law, left property of the gross value of £11,858.

Mr. Alexander Paris (73), of Lansdowne House, Castle-lane, Southampton, and Brookdale-road, Southampton, solicitor, left estate of the gross value of £30,800.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate 5%. Next London Stock Exchange Settlement. Thursday, 23rd April, 1925.

	Middle Price. 15th April	Interest Yield.	Yield with Redemption.
English Government Securities.		£ s. d.	£ s. d.
Consols 2½%	56⅞	4 7 6	—
War Loan 5% 1929-47	102 1/16	4 18 0	4 19 6
War Loan 4½% 1925-45	97¼	4 12 6	4 15 0
War Loan 4% (Tax free) 1929-42	99⅞	4 0 0	4 0 0
War Loan 3½% 1st March 1928	96¼	3 12 6	4 19 0
Funding 4% Loan 1960-90	88⅜	4 10 6	4 11 0
Victory 4% Bonds (available at par for Estate Duty) (Average life 36 years)	91¼	4 7 0	4 9 0
Conversion 4½% Loan 1940-44	97 1/16	4 13 0	4 15 0
Conversion 3½% Loan 1961	77	4 11 0	—
Local Loan 3% Stock 1921 or after	66¼	4 11 0	—
Bank Stock	252½xd	4 15 0	—
India 4½% 1940-55	89½	5 0 6	5 5 0
India 3½%	67⅞	5 3 0	—
India 3%	57⅞	5 4 0	—
Sudan 4½% 1939-73	94¼	4 15 6	4 16 6
Sudan 4% 1974	87	4 12 0	4 15 0
Transvaal Government 3% Guaranteed 1923-53 (Estimated life 19 years)	80½xd	3 15 0	4 11 0
Colonial Securities.			
Canada 3% 1938	82	3 13 0	4 18 0
Cape of Good Hope 4% 1916-36	90½	4 8 6	4 18 6
Cape of Good Hope 3½% 1929-49	79½	4 8 0	4 18 0
Commonwealth of Australia 4½% 1940-60	98⅞	4 17 0	4 18 6
Jamaica 4½% 1941-71	95¼	4 14 6	4 15 6
Natal 4% 1937	90¼	4 8 0	4 18 0
New South Wales 4½% 1935-45	94	4 16 0	4 17 6
New South Wales 4% 1942-62	84½	4 14 6	4 15 0
New Zealand 4½% 1944	96½	4 13 0	4 16 0
New Zealand 4% 1929	95	4 4 0	5 2 0
Queensland 3½% 1945	78	4 10 0	5 3 6
South Africa 4% 1943-63	87½	4 11 6	4 13 0
S. Australia 3½% 1926-36	85½	4 2 0	5 4 0
Tasmania 3½% 1920-40	83¾	4 3 6	5 10 6
Victoria 4% 1940-60	87	4 12 0	4 13 6
W. Australia 4½% 1935-65	94	4 16 0	4 16 6
Corporation Stocks.			
Birmingham 3% on or after 1947 or at option of Corpn.	65	4 12 0	—
Bristol 3½% 1925-45	77	4 11 0	4 16 0
Cardiff 3½% 1935	88	3 19 6	5 0 0
Croydon 3% 1940-60	68¼	4 7 0	4 18 0
Glasgow 2½% 1925-40	77½	3 5 0	4 11 6
Hull 3½% 1925-55	78½	4 9 0	4 17 0
Liverpool 3% on or after 1942 at option of Corpn.	76	4 12 0	—
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	56¼	4 9 0	—
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	65	4 12 0	—
Manchester 3% on or after 1941	65½	4 11 6	—
Metropolitan Water Board 3% 'A' 1963-2003	64	4 14 0	4 14 6
Metropolitan Water Board 3% 'B' 1934-2003	65	4 12 0	4 12 0
Middlesex C.C. 3½% 1927-47	81½	4 6 0	4 19 0
Newcastle 3½% irredeemable	75½	4 13 0	—
Nottingham 3% irredeemable	64xd	4 13 6	—
Plymouth 3% 1920-60	68xd	4 8 0	4 17 6
English Railway Prior Charges.			
Gt. Western Rly. 4% Debenture	83½	4 16 0	—
Gt. Western Rly. 5% Rent Charge	101½	4 18 6	—
Gt. Western Rly. 5% Preference	99½	5 0 6	—
L. North Eastern Rly. 4% Debenture	82	4 17 6	—
L. North Eastern Rly. 4% Guaranteed	80	5 0 0	—
L. North Eastern Rly. 4% 1st Preference	75	5 6 6	—
L. Mid. & Scot. Rly. 4% Debenture	83	4 16 6	—
L. Mid. & Scot. Rly. 4% Guaranteed	81½	4 18 6	—
L. Mid. & Scot. Rly. 4% Preference	77½	5 3 6	—
Southern Railway 4% Debenture	83	4 16 6	—
Southern Railway 5% Guaranteed	100	5 0 0	—
Southern Railway 5% Preference	96½	5 3 6	—

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